



**Conflicts between tenants and landlords in Ireland and  
the use of mediation and restorative practices.**

by

**ALESSANDRA TURIN**

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LEARNER NUMBER:	51709708
NAME:	Alessandra Turin
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SUPERVISOR NAME:	Paul Crowther
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## **Abstract**

According to the journalist Conor McCrave (2019), the number of disputes between landlords and tenants, brought to the Residential Tenancies Board (RTB) is an increasing issue in Ireland. McCrave (2019) mentions that the number of requests for information and services increased 50% from 2015 to 2018, and other 10% from 2018 to 2019, in the pre-covid 19 period.

The main goal of this research is to gather information on the use of alternative dispute resolution techniques, in the context of the Irish rental market. In addition, the specific aims and the objectives of the research are: 1 - To determine the most common issues between tenants and landlords (whether or not they appealed to external assistance); 2 - To identify the percentage of these issues that in fact go through mediation as an attempt of dispute resolution, and how many of those attempts are effectively solve in a long term basis; 3 – Speculate about the use of restorative practices in the rental sector.

The survey composed by 20 questions was developed in Survey Monkey website and spread as described in the methodology chapter. During the time that the survey was online, 125 responses of Landlords and Tenants were gathered, the responders were randomly distributed around Ireland and insert in the rental sector.

The responses of the survey revealed that the figures available at the moment for the renting issues around Ireland are not accurate to the overall picture of the issues. There is a much larger scope of issues faced by either, Landlords and Tenants, and huge contrast in the distribution of information held by people who search for assistance or not of external institutions to solve the disputes. The researched also revealed that there is space and willingness for a mixed approach in the sector, between mediation and restorative practices.

## **Introduction**

For five years in a row Dublin, has been ranked as the 5<sup>th</sup> most expensive city to rent in Europe (Kennedy, 2021). Even with the high rents, the amount of house available in the renting market is equivalent to 1/3 of the properties in the country (CSO, 2016).

As expected, with a large renting market, there are also a large number of conflicts between tenants and landlords, that without resolution can lead to the tenant's eviction.

It is important to mention that with covid-19 restrictions, Ireland suffered an increase in the national unemployment levels, which ultimately, influences in exacerbating existing issues in the rental market, as for example, accumulation of arrears in renting (Social Justice Ireland, 2021). Possibly, creating a wave of evictions in the post-covid period.

Some organizations that assist with those conflicts, such as RTB, have statistics based on the complaints, showing the most common issues in the sector. However, as those organizations can only make accounts of the cases that get to them is impossible to know if the representation of those cases in the overall. The lack of statistical evidence available, of the percentage of cases that attempted to use dispute resolution techniques, suggests that it is a field yet to be explored.

There is little literature available or data that explore the use of restorative practices for tenants and landlord's conflict resolution or prevention context in Ireland. The seeming lack of specific literature raises questions over the use of a mix of Alternative Dispute Resolutions - ADR's, such as mediation and restorative practices, and how those techniques could influence all the phases of a conflict (prevention, mitigation, mediation and recurrence of issues) in the context of dispute resolution of the rental sector.

Although the rental sector lacks implementation of strategies to de-escalate, solve, restore and prevent conflicts, studies show that programs that utilise mediation and restorative practices techniques, in and out of the country, are highly effective in other fields.

The main goal of this research is to gather information on the use of alternative dispute resolution techniques, in the context of the Irish rental market. In addition, the specific aims and the objectives of the research are:

1 - To determine the most common issues between tenants and landlords (whether or not they appealed to external assistance);

2 - To identify the percentage of these issues that in fact go through mediation as an attempt of dispute resolution, and how many of those attempts are effectively solve in a long term basis;

3 – Speculate about the use of restorative practices in the rental sector.

Perhaps filling some of the gaps of information of the sector, creating a strong conscientization of the issue can lead to improvements, such as making dispute resolution through mediation and restorative practices more attractive and popular in the area. Obtain more information can also influence in the development of educational public initiatives focusing on conflict solving, prevention of new issues, or escalation of already existing conflicts. Ultimately, the decrease of conflicts in the rental sector could lead the country to a better relationship between landlords and tenants and decrease in the number of evictions.

# 1. Literature Review

## 1.1. Introduction

In accord with Donohoe (2021), Gleeson (2021), Kennedy (2021) and RTE (2020), the capital of Ireland, Dublin, is the 5<sup>th</sup> most expensive city to rent in Europe.

Analysis shown that until 2019, Ireland had 29 consecutive quarters of nationwide inflation in the rental sector, that means that since the middle of 2012 the rents were rising nationally every three months. In December of 2019 the rents were 0.1% less than September of the same year. However, in 2020 the rent started to rise again nationally, year after year, with the renting inflation of 3.8%. The new renting inflation of 3.8% is also the lowest since 2012 (Ireland's Housing Magazine, 2020).

The Irish government installed some measures, such as the rent pressure zones, in an attempt to contain the uncontrolled rise of renting prices.

The Department of Housing, Local Government and Heritage (2020) explains that in a Rent Pressure Zone (RPZ), rents cannot increase more than the current level of general inflation, which is indicated by the Harmonized Index of Consumer Prices (HICP). This is applicable both to new and existing leases (unless an exemption is applied).

The RPZ cover areas where rents are the highest and rising, as well as where householders have the hardest time finding affordable rental accommodations. Before 16th July 2021, rent increases in RPZs were limited to no more than 4% annually. The formula has now been replaced with the HICP (Department of Housing, Local Government and Heritage, 2020).

Another measure put in place to assist with the high renting costs is the Housing Assistance Payment (HAP). As a form of social housing support, HAP enables local authorities to provide housing assistance to households that qualify for social housing subsidies as well as many Long-Term Rent Supplement applicants (HAP Ireland, 2021).

In the HAP program, local authorities make periodic payments to a landlord on behalf of a HAP tenant, subject to conditions such as rent limits. In exchange, the local authority receives weekly

contributions from the HAP tenant. The 'rent contribution' is determined by the household income, and is calculated in the same way as the rental payment of a public property owned by the city (HAP Ireland, 2021).

Despite the expensive costs of renting in the country, the CSO's (2016) latest tenure and household figures show that the percentage of rented houses, from a landlord or from local authorities in Ireland is very significant, at 27.6% (almost 1/3) of the households in the country.

Looking at the more up to date numbers, in 2019, 356,500 dwellings were privately rented in the country, this number represents an increase of almost 15,000 in comparison with the same period of 2018 (Ireland's Housing Magazine, 2020).

Almost 1/5 of Irish households in the country (19.1%) were privately rented in 2019. This number represents a drastic increase in comparison with 2004 when only 8% of the houses were rented. In the capital of Ireland, Dublin, over 1/4 (25.9%) of the houses were rented privately. In terms of population, in a total of 4,857,000 habitants, 910,300 were living in rented houses in the country in the same year (Ireland's Housing Magazine, 2020).

In August of 2021, an article was published in The Independent, where the RTB discloses that by June of this year, 496 termination notices were received. Although this number was significantly high in June, a similarly high amount of termination notices being served, was common throughout the pandemic.

The Irish Property Owners Association (IPOA, 2021) has previously warned that certain market conditions, such as rent pressure zones, are pressuring landlords to leave the renting market.

Another reason for landlords to be abandoning the rental sector and selling their properties is to attempt to increase their winnings, taking advantage of the lucrative property market established in the country before figures change (Gataveckaite, 2021).

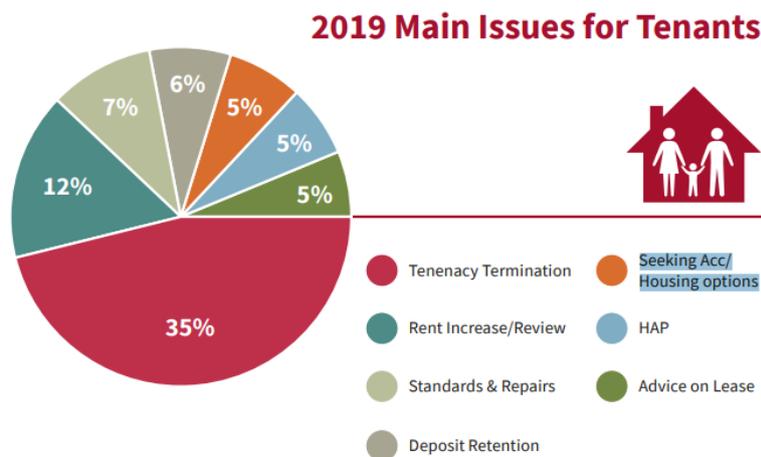
The author Gataveckaite (2021) also believes that rents will likely rise if there is a decrease in the supply of rental properties, prediction that is also supported by the IPOA (2021).

## 1.2. Issues between landlords and tenants

The authors Menkel-Meadow et al (2019, p.6) explain that a conflict can be initiated for many reasons, for example, difference of opinions, beliefs, principles or even personality differences, and this conflict can be developed on an individual, or group level.

According to the journalist Conor McCrave (2019), the number of disputes between landlords and tenants, brought to the Residential Tenancies Board (RTB) is an increasing issue in Ireland. McCrave (2019) mentions that the number of requests for information and services increased 50% from 2015 to 2018, and other 10% from 2018 to 2019, in the pre-covid 19 period.

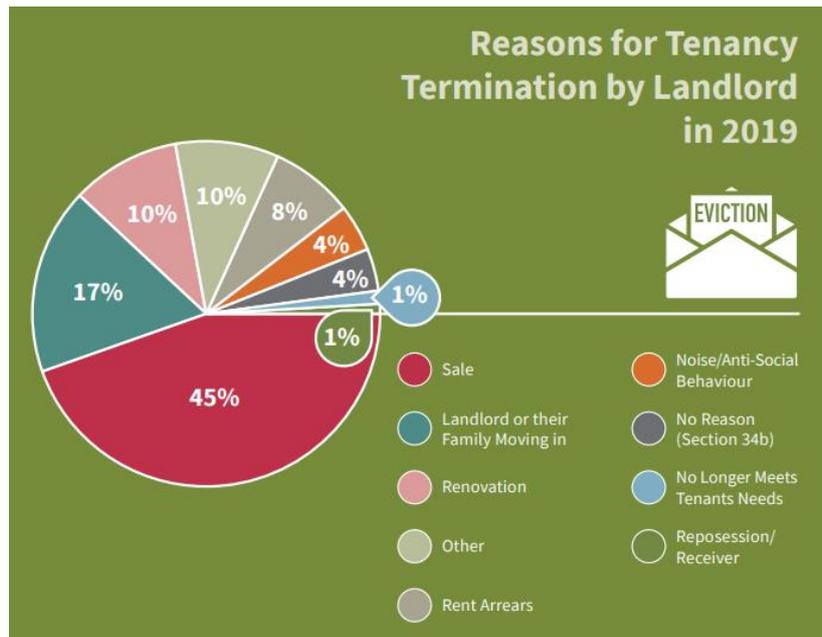
Threshold (2019), a famous charity organization that advises and supports people around Ireland with housing issues, published in their annual report, the following graphics that show the major reported issues faced by tenants:



Graph 1. 2019 Main issues for tenants. (Threshold, 2019, p.18)

In addition, Conor McCrave (2019), states that the main issues brought to the RTB, for disputes in 2019, comprises of rent arrears/overholding at 26% of complaints, the validity of a notice of termination at 22%, and deposit retention at 20%.

In the report issued by Threshold (2019, p10.), it also stated to have prevented 8,351 households from evictions around Ireland, for a variety of issues. Some of the issues listed by Landlords for eviction are shown in the following graphic:



Graph 2. Reasons for Tenancy Termination by Landlord in 2019 (Threshold, 2019, p.19)

As the data about the conflicts and evictions go as far as quantify what is reported by the population to support organizations like Threshold or RTB, making the statistics reasonably limited, and an inaccurate representation of the realities of renting in Ireland, as not every issue affecting landlords or tenants seeks third party assistance.

### 1.2.1. COVID – 19 increasing the issue

With covid-19 striking, a huge part of Irelands population fell into unemployment (Social Justice Ireland, 2021), relying on assistance from the government, that in some cases wasn't enough to guarantee the same quality of life as pre-covid.

Attempting to manage the situation, an eviction ban was issued by the government, where the evictions in the country were suspended any time, the movement is restricted to 5 kilometres between the citizens and their homes (Citizens Information, 2021).

As published by RTB (2021), new legislation was passed in relation to the payment of the arrears accumulated during this period. The legislation leaves tenants and landlords in charge of negotiation of arrears and stipulates a 28 days' notice for eviction in case the an agreement is not met. The inefficiency

of power of negotiation in this case, might generate a wave of evictions after the stipulated period ends, and the lifting of the eviction ban.

### **1.3. Understanding Conflict: the first step to conflict resolution**

Some would believe that there is a relationship between conflict and the act that might be seen as the conflict starter, in other words, actions constituting the conflict. However, if that is the case, a conflict would end as soon as the attitude trigger ends, leaving no traces behind and with no risk of re-escalating.

The lack of violence or tension for a period is not necessarily the end of the conflict, that can also indicate a cease-fire. Violent or non-violent stages can resume at a much later stage if the root cause of the issue is not treated, it only needs some dissatisfaction to dig up the accumulated feelings. Conflicts go much further than the trigger action of the parties (Sharma, 1951, p.15, and Wallensteen, 2002, p. 122).

To try to understand and have possibility of solving a conflict, it's important to analyse the behaviour of the individuals involved and equally analyse its surrounding environment. It is established that psychological and behavioural elements, including the structural conditions for alienation, combined are massively fluids for conflict (Jeong, 2008, p. 43)

It is also important to remember the influence of a person's background in their perception of world. Matters related to culture, religion, social class or education, might modify someone's understanding of an issue (Lalegani et al. 2019). Also, it is equally important to realize that most attitudes come from the individual learning from previous situations, which in some cases might involve trauma.

When a conflict attempted previously forms of resolutions, the exhaustion and hopelessness of both parties can influence negatively in any further attempt of resolution, the parties can show a lack of engagement or willingness to collaboration (Bercovitch and Houston, 2000).

Another influential on the resolution of a conflict is to find what is the perception of each person over themselves and how it influences the conflict and how they believe the issue can be solved (Wallensteen, 2002, p. 122). On some occasions, when trying to reach an agreement, some parties can

bring to the table unrealistic perceptions of the event or unrealistic demands, that can also be a image built by their particular understanding of the situation.

It is important to examine the sources of discontent, demands and animosity. Also, considering the phases of evolving relationship between the parties and how it can escalate or de-escalate the issue (Jeong, 2008, p. 43). In some cases, the importance of the relationship between the parties can open some doors for clarification. Studies show that people are keener to listen to the other side in a negotiation environment, when both parties have a previous existing relationship (Fisher and Ury, 1991).

As mentioned before, conflicts can rise for different reasons. However, there can be much more driving the conflict than initially perceived. For this reason, different dispute resolution techniques must act in different moments of conflict, mediating the problem or when it is possible, avoiding it.

Alternative dispute resolution techniques have a high action range over different kinds of conflicts, the professionals of those specific areas are trained to understand the reason behind the conflict, not only solving the immediate issue but the root cause of it.

## **1.4. Alternative Dispute Resolution (ADR)**

### **1.4.1. The concept**

In the 21st century it was recognized that all types of disputes can be subjected to an alternative dispute resolution process. Methods that weren't mentioned as often as litigation, started to be more acceptable and become part of creative lawyering, entering in the composition of the training skills core in law schools (Fiadjoe, 2004, p I01).

Initially, as explained by Fiadjoe (2004, p I02), those alternatives methods were named as ADR's (standing for Alternative Dispute Resolution), as there were considered an alternative option to the litigation process, that was not included in this group.

The same author also explains that, with the evolution of the modern techniques, ADR's started to be applied within the litigation context, changing the idea of ADR as not only as an alternative to avoid litigation but a methodology that is appropriate to the general context of dispute resolution.

While going to the courts is the most common procedure, the ADR's have shown high level of effectiveness in conflicts that lack resources or time for instance (Şimşek and Bölten, 2015).

ADR's are also known for promoting communication between parties, while enabling them to work together to solve real concerns that might underlying the conflict by focusing in the parties main interests rather than their positions and claims (Bansal, 2005).

Some of the processes that compose the ADR's are Arbitration, Mediation, Negotiation and Restorative Practices. Prior to the start of the resolution process, the parties involved must analyse and decide which form of resolution methodology is best suited to their case. In deciding, the advantages and disadvantages of each method should be considered, while considering other factors, such as the exposure of the issue, the time and resources available, and the type of relationship the disputing parties share (Moffit and Bordone, 2005).

#### **1.4.2. Alternative Dispute Resolution (ADR) in renting context disputes**

McCrave (2019), specifies that in 2018, between all the disputes raised by landlords, 45% were withdrawn or settled before the day of the hearing in court.

The withdrawn cases, in this instance, does not necessary mean that the issues went to resolution, this percentage also includes cases where the issue cooled off (for indefinite time), the issues escalated, and conciliation wasn't an option anymore or the parties just gave up in the attempting to solve the issue.

The effectiveness of ADR's is historically proven through the years. A research developed by the Harris (2020, p.21), shows that the use of ADR's in conflict related to renting increases the efficiency of the process. Her research explains that besides assisting in underloading the waiting list for courts

auditions, the use of ADR's also make the process faster and cheaper for the parties involved, minimizing the stress whilst both preserving relationships and empowering parties.

Perhaps focusing on the use of ADR techniques such as mediation and restorative practices for solving issues in this sector, while making it more appealing to landlords and tenants, assists with increasing the number of issues that actually attempt resolution before the escalation of the conflict, thus decreasing the number of evictions.

## **1.5. Mediation**

### **1.5.1. The concept**

Simkin (1971) defines mediation as a flexible technique that is highly suitable for a whole range of disputes. The mediation process involves an independent third party, recognized as the mediator, who will be acting to help the parties involved in the issue to reach a solution when a disagreement is raised (Carnevale and Pruitt, 1992, p. 261).

During the mediation, all the participants are encouraged to actively participate in the dynamic of the process while the mediator will keep the balance on the table and help the parties to work out and voice their view of the issue, after the mediator will make use of those options to reach an agreement that needs to be equally beneficial to both parties.

In the mediation process, the parties will always decide whether they can resolve things or not and which would be the best solution.

The mediator will act free of judgments and impartially during the discussion, acting mostly as a guide to ensure that both sides have the chance of state a case and their personal understanding of the issue, hear the other side and express what they believe to be the best outcome to the issue (Wall and Lynn, 1993). In a mediation, both parties are invited to try, voluntarily, to find a common ground.

In case the parties don't feel they are in a position to reach an agreement, they still have the option to pursue other procedures, such as making use of a different ADR or going to court. The details of the mediation are protected and usually not allowed to be used in a court hearing.

The benefits of mediation include:

**Low cost and low time consumption:** While a case in the court can take months or years to be solved a mediation process can be resolved in matter or hours or days in the most complicated cases. Solving the dispute faster means less money spent on hourly fees and extra costs. Also, while some mediators can charge fees comparable to what an attorney would charge, in the mediation process there is less bureaucracy which also assists in expediting the case, faster than in standard legal channels (Feinberg, 1989, p.S5).

**Confidentiality:** Different from the court where the hearing is public, in the mediation every step is confidential and restricted to the parties and mediator's knowledge. The mediators are forced to destroy their notes taken during the mediation session once the process is finished and no document or information disclosed can be force for by the legal system to be brought to court, except specific cases where the information disclosed is a crime in the country. Some of those exceptions are child abuse, criminal acts or threatens to criminal acts (Radford, 2001, p.245).

**Control and Compliance:** Different from some other processes where the final decision is made by a third party, in the mediation the parties involved in the conflict have total control in the resolution. Thus, mediation is more likely to produce a result that is equally agreeable and suitable for both sides (Radford, 2001, 245).

Because the result is reached through mutual effort and is mutually agreed, the compliance with the agreement is usually high. As in a legal case, the mediation agreement is fully enforceable in a court (Feinberg, 1989, p S6).

**Neutrality and Balance of Power:** During the process the mediator will keep a neutral and non-judgmental position in relation to the parties and the issue. As some disputes might bring to the table an imbalance of power due to the parties social or working related position, education or economic influence, the mediator will act, levelling and stopping any further differences (Radford, 2001, 245).

**Mutuality:** Mediation reinforces the necessity to work together for a bigger picture. For this reason, when the parties volunteer to the process they are typically ready to work together towards a resolution, ready to move on with their positions. The synaesthesia of working together makes the parties more amenable to understand the counter party's point of view and work on underlying conflicts to in the dispute. It is also fair to say that working together brings less conflict to the mediation table, resulting in preserving the relationship between the parties before the dispute (Radford, 2001, 245).

**Voluntary:** The participation of the parties in a mediation cannot be enforced by any law or system, therefore, participation of the parties in the mediation process is a voluntary option. Also, in case any of the parties or both decided to not take part in the mediation anymore, they also have the option to leave at any moment (Feinberg, 1989, p S7).

### **2.6.2.1 Caucus**

In some cases, the disputes can reach high levels of tension between the parties. When it happens, the mediator has the option of separating the parties and conducting the mediation individually (Ross, 2007). The name of this technique is caucus and is widely known for its use in political mediation where the parties cannot be in the same room due to the level of conflict or distance (Carter, 1982).

Numerous countries around the world believe and encourage the use of caucus session to solve conflicts. In some tribes in Turkey, tribal mediators engage in shuttle diplomacy (Shishkin, 2007), as do tribal mediators in the Caucasus (Garb, 1996). In Sri Lanka, Quaker mediators used shuttle diplomacy to quell violence in the civil war (Pricen, 1994).

However, seeking to assist the parties in reaching a deeper level of understanding of the reasons for the conflict, counterparties interests and how their attitude and their own interest can affect the situation, some mediators have begun to advocate for a caucus free mediation, where only joint sessions are used (Friedman and Himmelstein 2008).

Some cultures believe in techniques that combine joint sessions with periods of silence and self-reflection to cool tempers, an example of this technique is the Hawaiian approach called Ho'oponopono. In this approach, the community get together to hear about the conflict and the role of the mediator is performed by a wise man of the community, the session only finishes when the situation is resolved and there are no loose ends that can re-escalate the issue (Wall and Callister 1995, p. 50 and Shook and Kwan, 1987).

Since mediation was born a lot of research has been done on the subject. The mediation technique consists of various approaches that are suitable for different disputes within different context.

### **1.5.2. Mediation within the renting disputes**

Renting is a much more accessible and secure option for many reasons in different countries. As the number of properties in the rental marketing grows, the number of disputes between tenants and landlords proportionally rises.

Mediation is an option of dispute resolution that is frequently explored in some countries to solve issues in this sector.

In Germany, for example, renting is a secure and long-term option. Therefore, the rates of ownership are quite low in the country, around 48.5% of the houses are in the rental marketing and 51,4% are home ownership (Ireland's Housing Magazine, 2020).

In some parts of Germany, the effectiveness of mediation techniques is so evident that mediation became enforceable being a prerequisite when disputes are valued at less than €750, before the issue can be brought to court (Ireland's Housing Magazine, 2020).

Other countries like Italy, offers mediation as option to solve issues in this sector. A study made by De Palo (2018), proves the efficiency of the method in the country by analysing the decrease of litigation cases opened between 2013 and 2017, where there was a decrease of 36% of cases brought to court in the sector.

In United States, the Department of justice, developed neighbourhoods' justice centre projects, through the Law Enforcement Assistance Administration (LEAA). Those centres were designed to help people to resolve conflicts that affect the community, between them landlord and tenants' issues. The main idea was to increase the likelihood of continued relationships (Baird, 2004).

Authors like Baird (2004) analysed mediation being used in tenants and landlord issues in United States, in states where the use of mediation is mandatory, and mention that the technique has a high rate of success and satisfaction when applied in the area.

### **1.5.3. Mediation within the housing context in Ireland**

In Ireland, The Residential Tenancies Act of 2004 is the main legislation governing the rights and obligations of tenants and landlords in the country. The Act was introduced to provide security to transactions and agreements as well as detailing required notice periods.

Under the Act of 2004, the Residential Tenancies Board (RTB) replaced the courts, dealing with the majority of the issues in the rental sector. The RTB's resolution of disputes service offers the choice of mediation or adjudication to any tenant or landlord that decide pursue with their cases. Any agreement reached with assistance of the RTB, is legally binding (Ireland's Housing Magazine, 2020).

If the agreement cannot be reached by any alternative dispute resolution technique, or the tenant or landlord are not satisfied with the outcome, the case is entitled to be appealed in a Tenancy Tribunal. In this tribunal, three members appointed by RTB will hear the dispute and decide (Byrne and McArdle, 2020 and Ireland's Housing Magazine, 2020). The process is developed for the resolution of immediate problems, not always focusing on long term resolutions.

## Disputes Resolution Process

Landlords and tenants have a number of options to resolve disputes should they arise

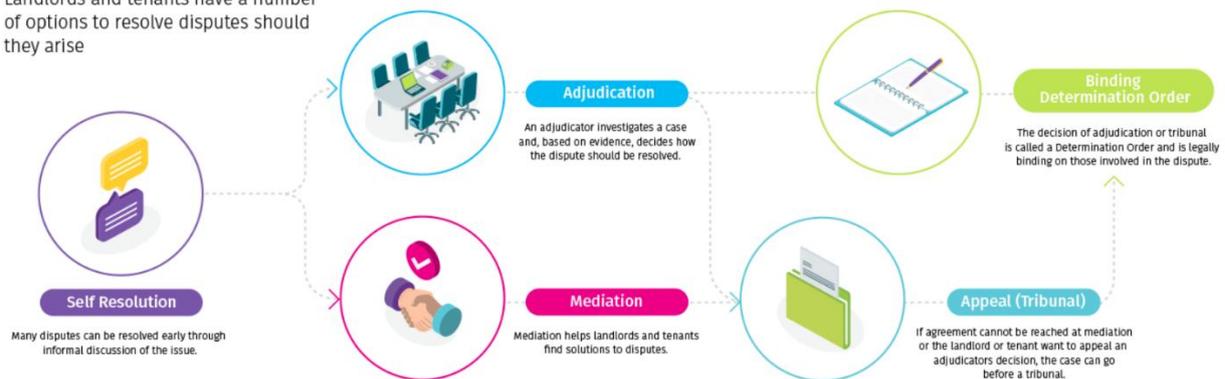


Figure 1 - Disputes resolution process by RTB (RTB, 2021)

## Residential Tenancies Board (RTB)

The Residential Tenancies Board was created under the Residential Tenancies Act 2004. Previously, the board was called the Private Residential Tenancies Board (PRTB), the change for the present name occurred when the housing associations were brought under its remit using the Residential Tenancies Act 2015 (Citizens Information, 2021).

According to the Residential Tenancies Board website (2021), the RTB is a public institution, that primarily supports and develops an efficient rental housing sector. The RTB acts in sectors such as the private rental, approved housing bodies and student specific accommodation.

RTB's main goals are to regulate the rental sector, providing information and research to inform policies, maintain a national register of tenancies, resolve issues between landlords and tenants, conduct investigations over landlords conducts and provide information, to ensure that tenancies run without bigger issues arising (Residential Tenancies Board, 2021).

In 2004, the RTB replaced the courts, mitigating the majority of disputes between tenants and landlords, through the Dispute Resolution Service (DRS). Services like Telephone Mediation or Adjudication, as well as the appeal through a Tenancy Tribunal, are options offered by the RTB's DRS.

The Residential Tenancies Board is allowed to investigate and sanction landlords that don't comply with the rental laws engaging in improper conducts. Activities such as increasing the rent more than is allowed under the calculation set by the Tenancies Act or ending a tenancy without a proper notice or reason are within the scope of improper conduct (Residential Tenancies Board, 2021).

The Residential Tenancies Board website (2021), explain that the investigations lead by RTB can start either over information received from a member of the public or by RTB search, based on the Residential Tenancies Act and the sanctions can vary from a formal written caution, to a fine of up to €15,000.

## **Residential Tenancies Acts**

The Residential Tenancies Acts of 2004 and 2020 regulate the private rented housing sector and assist the approved housing body sector. The Citizens Information Website (2021) also adds that “The Acts set out the rights and obligations of both landlords and tenants in these sectors” and “the (Amendment) Act 2019 brought student-specific accommodation under the remit of the RTB in July 2019. This means that tenants in student-specific accommodation have most of the same rights as private tenants”.

The Acts are available in the Irish Statute Book Website and can be accessed for free by anyone who is interested in doing so. The link for access is <https://www.irishstatutebook.ie/eli/2020/act/17/enacted/en/html>.

### **1.5.4. The downside of mediation**

Although mediation has proved its efficiency in numerous areas, when analysing the mediation as whole process, a common mistake that might be made by most professionals is to focus exclusively on reaching an agreement (Hoffman, 2011). The issue certainly does not start in the mediation table and depending on how the issue is approached, it won't finish in the mediation table too.

Authors like Hoffman (2011) recognize that understanding the issue and the reasons behind it, and humanizing the problem is the best way to reach a strong agreement and start to fix the damage caused

by the conflicts. It is also important to consider all the possible ramifications of an issue, in the past and the future, to avoid new issues arising from that initial dispute.

Even though the mediation process can lead the conflict to an apparent end, it only goes so far as the signing of the final agreement and relies on the quality of the relationship between the parties being preserved (Hoffman, 2011) to avoid a re-escalation of the original issue or a new issue between the parties being raised.

Researches from the United States showed that even though most of the people who took part in mediations consider it a fair methodology of dispute resolution and would recommend it for others (around 75% of this group), there is still a rate of around 24% of this population that have doubts over the fairness of the agreement reached (Cook, Rowehl, and Sheppard, 1980; Davis, Tichane, and Grayson, 1980; Harrington and Merry, 1988 and Pearson and Theinnes, 1985).

Mediation often fails as a preventing mechanism as it mainly works acknowledging the issue but not mitigating the root causes of it, such as misbehaviour or lack of information for a deeper understanding of issues regarding individual backgrounds, and that is where the restorative practices can act more effectively.

## **1.6. Restorative Practices**

As mentioned before, a conflict is much more than it initially appears to be. The roots of an issue also need to be healed otherwise the same problem can re-escalate or a new dispute can arise after the end of the mediation process.

Despite being also used to bring communities together with intention to tackle a bigger range of topics and unify them with a voice, such as lack of services, community events and initiatives, restorative approaches have been successfully implemented at any point of the solving issues range of support, from prevention to early intervention, (Restorative Practices Ireland, 2021).

Due to the complexity behind all issues, attempting to fix a dispute as an individual situation without looking at the roots of the issue is not an option anymore. A mixed intervention between

techniques of mediation and restorative approach can assist to access the deepest parts of a dispute and develop the means necessary to act on it, in a preventive way.

### **1.6.1. The concept**

For more than 50 years, studies and theories have tried to uncover the laws of social conflict, the understanding of conflict sociology have been developed. Big names such as Newton, Hobbes, Bodin, Smith, Malthus and Max have been trying to understand the correlation between the human behaviour and the way society functions.

Hopkins (2016, p07) points communication as the glue that keeps a community together, she believes that addressing issues and feelings, making amends and keeping a sense of community and family are the key factor for a social organization.

Restorative practice involves a range of approaches directed at conflict and tension solving, focused on repair harm and relationships breaking downs (Finnis, 2021).

Historically, the restorative practice movement was built over the bases of the restorative justice model, used widely in court and law enforcement systems around the world, where offenders and victims can meet in an attempt to be given a voice and have the opportunity to make amends (Smith, Fisher and Frey, 2015 and Webber, 2009, p.06).

As time went by, the concept around restorative practice became bigger and more developed than his judicial mother model, that earlier on became a conflict theory, representing a small fraction of what restorative practices comprehend in an overall (Hopkins, 2016, p.46), that not only reacts to an issue or situation, but also includes preventive measures focused on building skills and capacitation (Smith, Fisher and Frey, 2015).

In an overly simplistic way, restorative justice is a process where the justice looks into primary stakeholders and offences, intending to decide the best way to solve the harm done between them, with the intention of reintegration, or rejuvenation of the relationship. The restorative practices also assist

with empowerment of the most fragile sides of the conflict, assisting with anxiety management and powerlessness (Sherman and Strang, 2007).

The approach embraces steps such as repairing the harm, healing of a trauma, recognizing and reconciliation of interpersonal conflict, and finally the amends, that will open space for improvement in their decision-making skills (University of Redlands, 2021).

Over time restorative practices have been evolving and developing, therefore, in different parts of the world, the technique suffered adaptation in favour of the requirements of conflict solving over local issues (Hopkins, 2016, p.46).

As conflicts between landlords and tenants in the housing and renting sector are very common across the globe, some countries are starting to develop groups and programmes to assist in the area.

### **1.6.2. Application of restorative practices in landlord – tenants’ relationship.**

The authors Hobson et al (2021), developed a programme using restorative approaches with the intention of promoting the benefits of restorative thinking to positively influence tenant behaviour and ultimately support individuals in their journey to becoming self-supporting. The program took place in a residential supported housing setting for males aged 16–25, in England - United Kingdom (UK).

The programme applies the concept of ‘contractualised’ support (McDonald 2005, p. 281), which means, in this case, that the residency was tied to a list of rules that stipulates acceptable behaviours and actions, which the participants complied in adhered to. This might include accessing additional support, attendance at certain types of therapies, completing independent living courses, and the maintenance of certain accepted behaviours (Hobson et al. 2020, p. 10)

In this specific work, Hobson et al. (2021) focused on the broader concept of restorative practices, underpinning a methodology that doesn’t always involve the three core groups, moving the focus from a specific offence or harm to a behavioural improvement as a whole, intending to mitigate and prevent new issues.

This program struggled to get efficient results due to situations like crossed issue, chaotic history/background of the participants and lack of external support. However, the facilitator recognizes that there was an improvement in the residents', where a transition from 'Acceptable Behaviour' to 'Positive Behaviour' occurred.

Still in the UK, in Wales, a group Wales Restorative Approaches Partnership (2021) is developing support groups to improve communication and solve issues regarding housing and renting problems in the country. The project focuses on emphasizing the importance of communication and maintenance of relationship.

The Wales Restorative Approaches Partnership (2021), believes that understanding the individuals behind the issues assists in the search for answers and leads people to have better, less conflicted, and more complex relationships.

Even though both examples are still going through adjustments, the attempt of adapting restorative techniques to this sector shows a common belief that the way conflicts are dealt with in this sector needs improvement and that the restorative approach is best suited to it.

### **1.6.3. Application of restorative practices in landlord – tenants' relationship in Ireland**

In Ireland, it is quite notable that the restorative justice models do not yet have a big popularity within the justice system, even though research has proven that the application of the models in the country would offer a reduction in costs and bring more benefits to the community (Chavez et al, 2015, p.42).

Studies have shown evidence that restorative justice initiatives that were introduced in Ireland, such as the 'Le Chéile' program in Limerick, working with young offenders enrolled in probation system (Le Cheile), or the Donegal ETB Restorative Practices project, for conflict prevention in schools (McGarrigle and O'Connor, 2015, p.06), achieved successful practices and results.

In Ireland, there is still no literature available, regarding the use of restorative practices in tenants and landlord's conflict resolution or prevention context. However, considering the attempt of using the

technique made by other countries, an implementation of the approach in the renting sector of the country might be valid.

Perhaps the development of an educational platform or system, focused on the renting sector, working with similar goals to the Walsh Partnership and English programme, with the intention of approaching conflict solving for the biggest and most common issues in this area while improving communication and relationship, might assist in preventing issues or escalation of disputes.

#### **1.6.4. Community meetings**

Community meetings are used by people who share an interest in a topic, for networks, learning and/or mutual support purpose of organisational and individual development. Community meetings can also be used in certain areas to strengthen and develop relationships (Bukowski, 2014 and Lucid, 2021).

The meetings can provide an open, reflective and receptive space for both, participants and staff, to discuss what is effective and what needs to be improved, highlighting needs and gathering information that can help the community in identifying and resolving community matters. This meeting can also help in brainstorming for new ideas, roles and help to increase the understanding and sense of safety (Starwards, 2012).

Authors like Cretney (2018) describes the use of community meetings in the immediate aftermath and in a long-term recovery program, in a post-disaster environment. The author believes that unifying people can be extremely beneficial to the organisational level of society and that the unification not only brings people closer, with a higher level of affection, but as a community, develops empathy and makes people to work for mutual benefit.

Some organisations like CATU, in Ireland, are already recognised by embracing the concept of community meeting when assisting the local population to deal with landlord – tenants conflict.

#### **Community Action Tenants Union (CATU)**

CATU's idea is to unify people in fighting and assisting each other to reach a mutual benefit outside of their workplace. As described by the organization, they want "to take the basic ideas of membership, collective direct action, and grassroots democracy from where people work to where they live".

CATU believes that the only way to fight the economic issues that are constantly mentioned in the news around Ireland, such as sky-rocketing rents, stagnant wages, slashed public services, and an erosion of our public spaces, issues that are very common in everyone's routine, is to educate the community to a level of knowledge where they can not be taken advantage off by companies, politician, landlords and banks.

As mentioned by the organization: "We strongly believe that real power lies in the hands of ordinary people – tenants, communities, and workers – and change can only come when we act together" (CATU Ireland, 2021).

During the years of existence, CATU has assisted numerous cases, such as acting in evictions defences, winning back deposits and forcing landlords to act inside of the renting legislation.

CATU's website (2021) also mentions that "The island of Ireland has historically had a quite unique relationship to questions of land, housing, tenancy, and property for a European country" and one of their goals is to bring this unique relationship back to the table.

CATU a union for communities and tenants, renters, council tenants, mortgage holders and people in emergency & precarious living situations and as an organisation is an example of the success of community acting as a group to face and educate the population over issues, mitigating damage.

### **1.7. Mixed approaches**

The authors Sullivan and Tifft (2006) described that at the beginning of the creation of alternative dispute resolution, mediation was considered an approach in the big scope of restorative practices the same way that restorative practices were considered an addition to mediation in some cases.

Historically, the earliest use of mediation as a restorative approach was given in criminal cases of property offenders, in the Minnesota Restitution Center, where victims and perpetrators were directed to meet in an attempt to achieve three main goals:

1 - Talk about the effects of the crime in their life's;

2 - share information;

3 - develop a restitution agreement that was satisfactory for both parts (Fogel et al., 1972 and Hudson and Galaway, 1974).

In the USA, using the community to mediate and solve issues through acknowledging the effects of disputes, was the first big generation mediation movement in the 70's and generate the second wave of restorative practices in the 80's (Sullivan and Tifft, 2006, p. 24).

Still in United States, reports from Institute for Mediation and Conflict Resolution.Inc (IMCR.Inc), have shown mediation and restorative practices approaches acting together in community cases, such as involving merchants and costumers, universities and students and tenants and landlords, in New York, in the 1970's. The IMCR, developed a standard for mediation and restorative practices much before the current idea using restorative justice as a single technique (Wright, 1996 and McGuillis, 1997).

Over time, mediation and restorative practices techniques evolved into two different processes, with distinct objectives. The currently techniques of mediation are more focused in the area of problem-solving in joint participation, while the idea of restorative practices is more related to the feeling behind, the impact of the harm and management of outcomes, before or after the escalation of a conflict (McCold, 1999).

However, some projects still make use of mixed approaches, where mediation and restorative practices methods are combined to solve issues in more holistic ways. Some examples of effectiveness of this mixed approach are explored by Byer (2016), where the mixed approach is used to solve conflicts

in a group of 12 schools, and Vyckier (2009) where the same mixed approach is used by the police force in Flanders, to de-escalate and manage situations in the area.

### **1.8. Summary of literature**

The lack of accurate data for common conflicts between tenants and landlords, whether or not they seek assistance, the lack of information of cases that attempt to solve conflicts through mediation and the acceptability and the applicability of restorative practices to be developed in the field, might influence in a better understanding of the rental issues in the country.

The correct information and questions, possibly would open doors to fill some of those gaps and to expose fields that need to be explored further, generating a decrease in the current number of conflicts in the sector and ultimately avoiding such a large number of evictions and illegal evictions, problems that will inevitably deteriorate further due to covid restrictions and unemployment levels.

## 2. Research Methodology

### 2.1. Introduction

The success and power of research relies in the accuracy and quality of its methodology. A well-established step-to-step program guarantees that all the points are being considered and evaluated, and that the desired results can be reached without being compromised. To carry out this research, the following methodologies were chosen as per explanation.

### 2.2. Design

The research design represents the organization of the many components of the study in a coherent, cohesive and logical order (Saunders et al., 2007). The onion model is a visual illustration for this organization and the following onion represents the many steps chosen as a reference to organize this work.

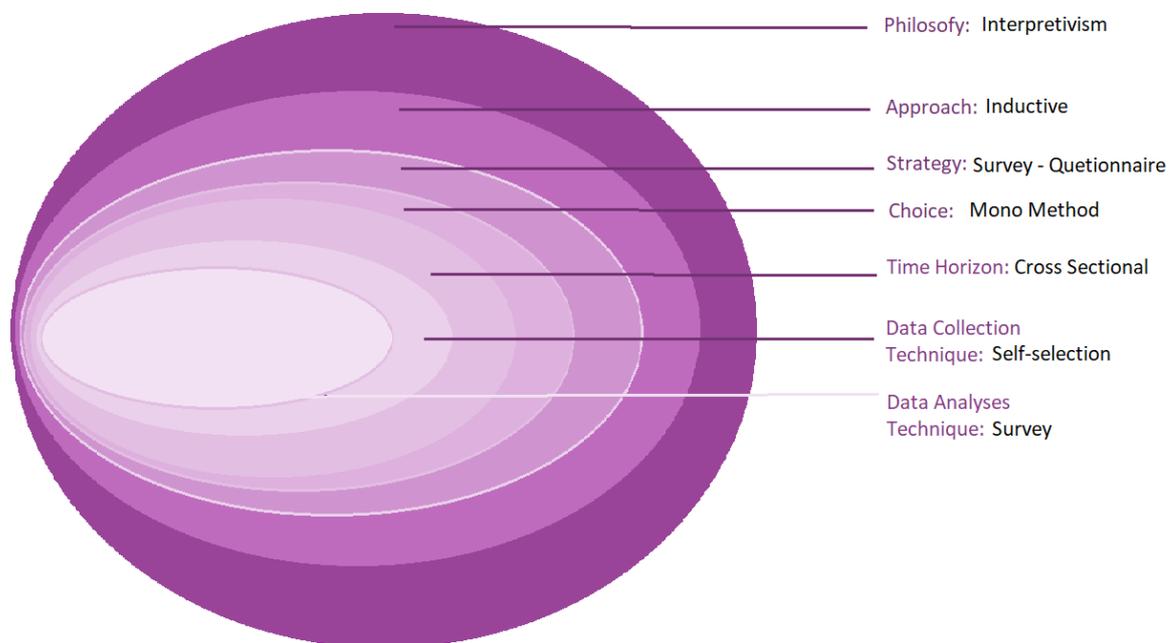


Figure 2. Illustration of the Methodology Research Onion

Each method of Analyses was chosen based on the research developed by the authors Saunders et al., focusing on the scope of information comprehended in each methodology and taking into consideration the objectives and limitations of the research.

### **2.3. Philosophies**

The research Philosophy, or paradigm, is divided in two parts, the Oncology and the Epistemology of the research.

The Oncological part deals with the idea of truth and nature of the reality, ideally, this is the part of the research that will add to the research philosophy the concept of what is real or not and what is the result of personal interpretation. The Oncology can be Realism or Relativism. Where Realism represents the unchangeable truth, that is objective and can interconnect subjects through similarity, and Relativism represents the research being shaped by the researcher's point of view, where the understanding of the results and the truth depends of the perception and context given, and cannot be generalised (Collins, 2010).

On the other side, the Epistemological paradigm shapes the way we access knowledge, the idea of learning and how to discover new things. The Epistemology can be Realist, where the researcher doesn't have direct contact with the research to minimize the influence and the results are read objectively without further interpretation, or the Epistemology can be Interpretivist, where interaction is part of the process to access the truth even though the presence of the researcher can generate bias (Saunders et al, 2007, p.106).

As social actors, Interpretivism (or Emic) asserts that the researcher must first understand people empathically in order to explain distinctions among them (Saunders et al, 2007, p.106).

Looking to this specific research, both processes, mediation and restorative practices, are ever-changing processes, offering different interpretations to each person and their conflicts, varying according with the circumstances of each dispute.

Also, this research relies on public experiences and perceptions, where the answer was collected directly by the responders of the survey, accepting that people can perceive conflicts in different ways depending on how deep the conflict was accessed or of the outcome of the dispute.

Finally, due to the above reason, this research relied on the Relativism Oncology and Emic Epistemology.

## **2.4. Approaches**

Research approaches are divided in Deductive or Inductive. The author Walliman (2006) points out that ‘an inductive approach is used to generate theory whereas a deductive approach is used to test theory.’

To carry this research, the approach chosen is the Inductive. The research gathered information through public experience, with the intention of finding a pattern that organize the findings so they can be used to improve the context of the disputes in the rental sector in Ireland and how mediation and restorative practices can act on it.

As the time of the research is very limited and so are the resources available, financially and people wise, this dissertation gathered information with the intention to generate a better understanding of the issue, based on the information gathered in the public survey, and bring awareness to a connection yet to be explored, which can be classified as a first step to creation of further measures for improvement of the sector.

The author recognizes the need for further information and investment, in a practical study to test the interaction of a mixed approach between mediation and restorative practices before a final determination of its efficiency in the current Irish rental sector.

## **2.5. Strategies**

The research strategy will connect the objectives of the research with the way the results will be obtained to satisfy those objectives.

The research strategies are Case Study, Survey, Ethnography, Experiment, Action Research, Grounded Theory and Archival Research.

As the name suggests, the case study is the analyses of a singular and specific case or a homogeneous group of cases that share the same main characteristic, through a situation or a period of time (Collins, 2010).

The survey comprehends a number of questions that will be handed to a group of people that will function as representatives of a specific population. The availability of online sites enables the wide and cheap distribution of surveys and the organisation of the responses (Myers, 2008).

Ethnography is generally related to a study of a population and their aspects, such as religion and culture. Ethnography studies normally demand time and extended observation (years for example).

Experimentation is generally related with testing and hypothesis or theory, in a practical way. Demands resources and time.

The Action Research starts with a main question or issue, formulated by the author, searching for solutions. The Actions Research normally require a number of attempts until a final result can be reached.

The grounded research strategy, differs from the other methodology mainly because is a strategy where initially the research does not have any pre established goals and objectives. The Search for knowledge and goals will be stipulated as the research progress.

As the name explains, Archive Research is a strategy where the data is gathered from previous analyses or material. This strategy is commonly used when there is a limitation to caption of data (Myers, 2008).

The present research has goals and objectives stipulated before the primary research was conducted and the population to be researched is still accessible.

The renting issues in Ireland are not occurring only in Dublin, the capital. Therefore, to have a better understanding of the issue, a broader analysis of the sector is relevant. Having that in mind, the ideal

responders are people living in different parts of the country that are inserted in the rental sector, those being either landlords or tenants.

As the goal of this dissertation is to gather information from responders around the country, in a short period of time and with limited resources, the survey was adequate for those purposes.

In attempt to reach a large number of people, a survey was developed and published through social media, guaranteeing an accurate and broad representation of the group in context. The survey was published in groups designed renting houses, composed of landlords and tenants around the country, groups of students and groups in discussion of the theme. The survey was also sent through email to letting agencies and organizations such as CATU, Novas and DCC to better facilitate the dispersion.

## **2.6. Research Choices**

The Research Choices specifies what kind of data the researcher is looking to gather while making the research. The research choices available are Mono method, Mixed method and Multi method.

When you utilize a mono approach, you will only use one sort of data - either qualitative or quantitative, while utilizing the mixed method, you would be collecting both data at the same time (Saunders et al., 2007).

In the last option, the multi-method approach, a larger choice of approaches would be employed, rather than simply one quantitative and one qualitative approach (Saunders et al., 2007). For example, if the research is looking into archives from a specific culture, using the multi method choice, he could utilize two qualitative methods (thematic analysis and content analysis) and then quantitative tools to analyse numerical data.

Authors like Walliman (2006) recognise that experiences can be better described in words rather than numbers, the same author, however, also mentions that once a pattern is found in the research results, a quantification can be made over the samples obtained.

The Research Choice chosen is the Mono method. The questions offered a base of public experience, and a quantitative data was made using an analysis of answers and quantification of individuals reporting similar experiences.

The choice of mono method, using quantitative data was made due to its suitability to the research. The use of quantitative answers was made with the intention to reduce the bias of the researcher and the responders to the subject, and to facilitate the identification of patterns within the answers.

## **2.7. Time Horizon**

The time Horizon stipulates what is the length of time to be analysed while carrying the reach. The available time horizons are Longitudinal, that are carried on research over a long timeframe and Cross sectional, carried to explore the data at a specific time or period.

Due to the limitation of time, the chosen time horizon was Cross sectional. The data represents a reflection of the situation of the rental marketing and the opinion of the responders over mediation and restorative practices at that specific point in the timeline, when the research was being developed. In other words, this data does not represent results carried out during a long period, but personal opinions expressed in a precise moment, based on their life experiences dealing with the subject.

## **2.8. Population and Sampling**

The research focused on the population both living in Ireland at the moment and renting a house. As not all the elements of this population can be identified the sampling applied will be the non-probability sampling. The idea is to reach as many people as possible during the length of development of this research.

To minimize the bias, the survey was carried anonymously. In other words, there was no questions made that could generate identification of the responders.

## **2.9. Data Collection Technique**

As mentioned before, the data was collected using questions formulated with structured and objective goals. The survey will mainly rely on closed responses questions. The types of question were Behavioural, Factual and Classificational.

The survey was spread through social media and Facebook groups related to the context, which characterizes the convenience sampling.

## **2.10. Research Limitations**

The main limitation of this research is the available time for data gathering, maybe more time for dispersion of the survey would have offered a higher engagement and bigger sample and therefore more accurate results.

Also, since the questionnaire was published on social media, that might limit the research to the fraction of the population who has access to it, causing a secondary and non-intentional selection in that area.

As the research is composed by the work of a single researcher, the same recognition is granted that the connection and proximity of the researcher to the research can generate bias on the interpretation of data and results.

The research also recognizes that the experience of each responder can be biased by the outcome of the dispute and that the outcome and experience through the process suffer direct influence of all the professionals involved, such as the mediator or representative of the organizations of assistance.

As this research had limited time and resources, it is believed, that to conduct a follow up experiment where the results obtained on this research could be analysed in a more practical manner, such as development and appliance of a practical model, could be beneficial to more accurate results about the efficiency of the mixed approach and its suitability to the rental sector in Ireland.

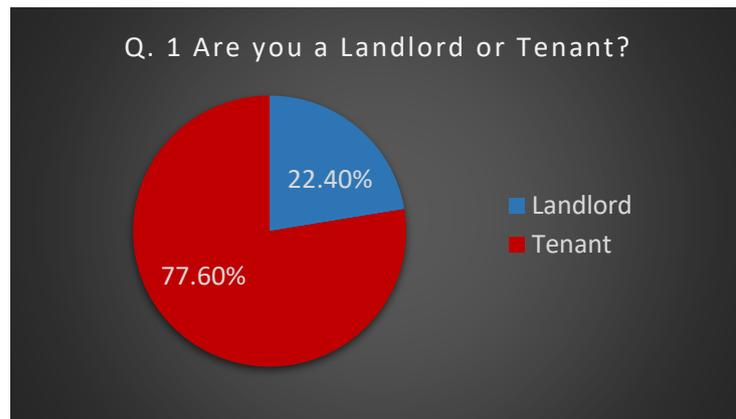
## **2.11. Data Analysis**

The research searched for data contained the following Data types: Descriptive nominal data for the data that cannot be numerically quantified and Discrete data for the numerical data. The research will also analyse information available in literature, triangulating the questionnaire answer with the research goals and applicability.

The data and the results were processed with Microsoft Excel and Prism, using artefacts such as Graphs, Tables and Charts.

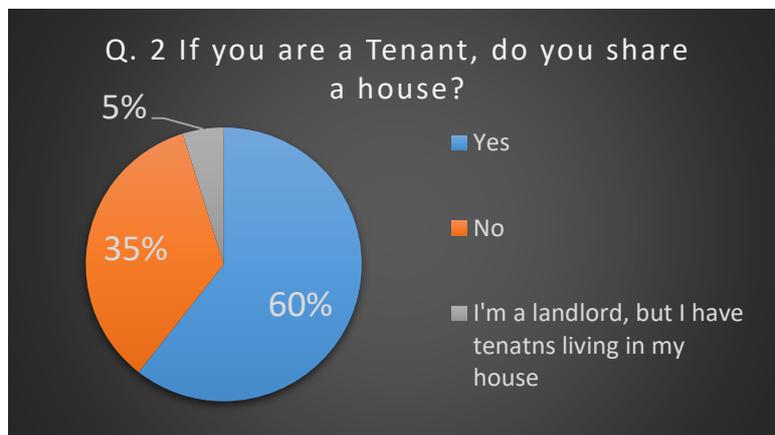
### 3. Presentation of the Data

The survey composed by 20 questions was developed in Survey Monkey website and spread as described in the methodology chapter. During the time that the survey was online, 125 responses of Landlords and Tenants were gathered, the responders were randomly distributed around Ireland and insert in the rental sector. The data collected from the responses in the survey, divided by question, show the following results:



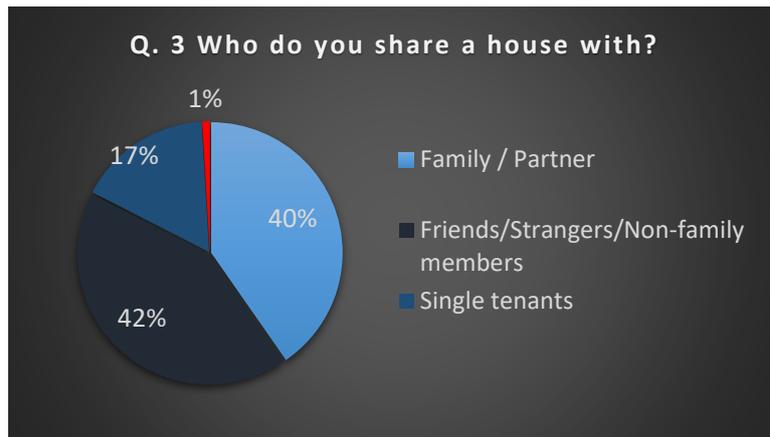
Graph 3. Question 1 of the survey

Of the responders, 22.40% stated to be landlords while 70.60% stated to be tenants.



Graph 4. Question 2 of the survey

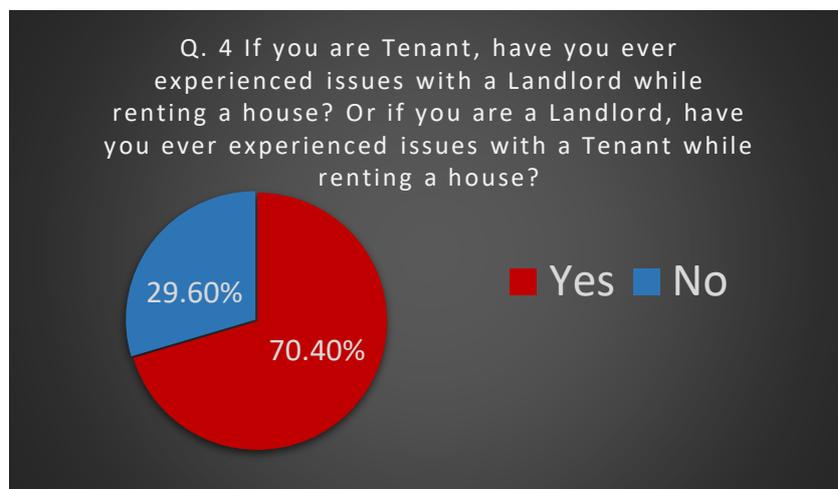
A total of 60% of the responders stated they shared the house, 35% of the responders stated they did not share the house and a small percentage of responders, of 5%, stated although they are landlords they share the house with tenants.



Graph 5. Question 3 of the survey

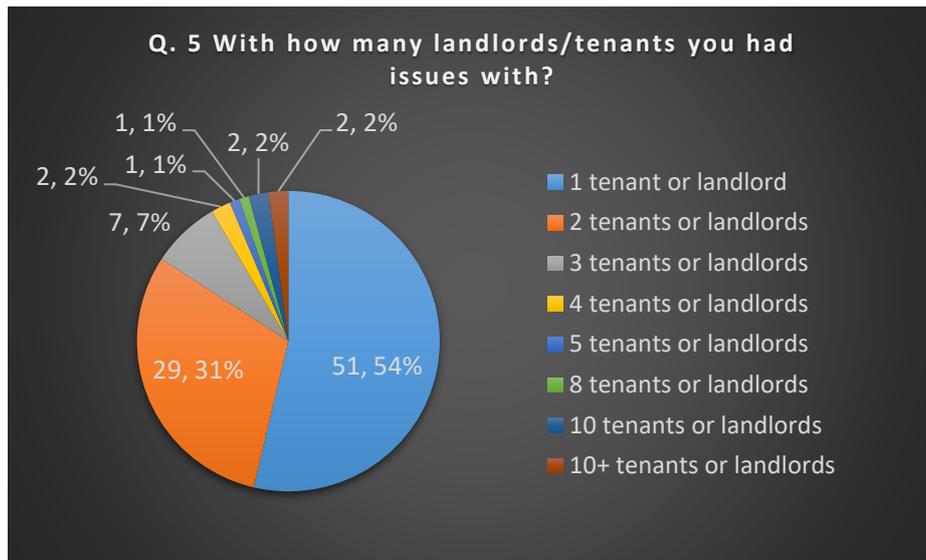
In this question Landlords were instructed to only answer the question if they have tenants living with them.

A total of 40% of the responders stated to live with family members/partners, 42% of the responders stated to live with friends/strangers/non-family members, 17% of the responders stated to be single tenants and a percentage of 1% stated to be living with landlords or landladies.



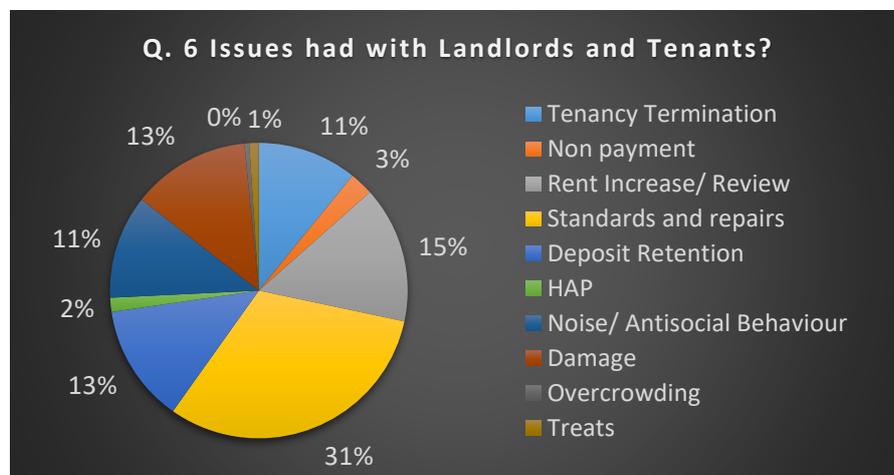
Graph 6. Question 4 of the survey

To this question, 70.40% of the responders stated that they had issues while renting a house and 29.60% stated they have never had any issues while renting a house with their landlords/tenants.



Graph 7. Question 5 of the survey.

The majority of responders, a total of 51.54%, stated to have had issues with only one Tenant or Landlord, while 29.31% of the respondents stated to have had issues with 2 tenants or landlords and 7.7% of the respondents stated to have had issues with 3 landlords or tenants. A total of 8.8% of the responders stated to have had issues with 4 landlords or tenants and above.

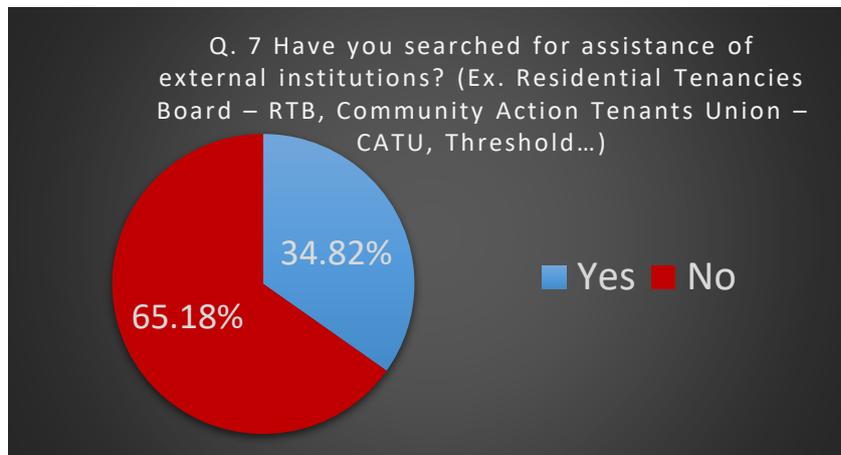


Graph 8. Question 6 of the survey

Responders that haven't had any issues were instructed to skip this question.

In this question, of the list of issues, the item which stands out with 31% of the answers are the conflicts that relate to Standards and Repairs. While other issues such as Damages, Noises/Antisocial behaviour, Deposit retention, rent increase or review and Tenancy termination represent between 15%

and 11% of the responses each, a minority of responses, between 1% and 3% each of the total, are related to issues of Treats, HAP and Non-payment of rent.

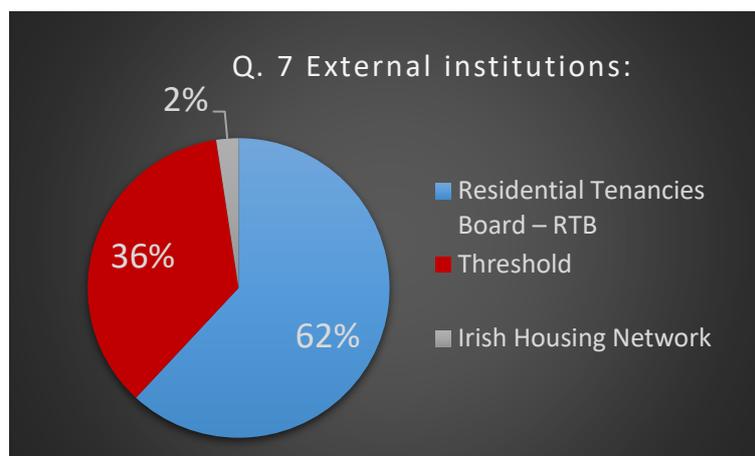


Graph 9. Question 7 of the survey

Responders that haven't had any issues were instructed to skip this question.

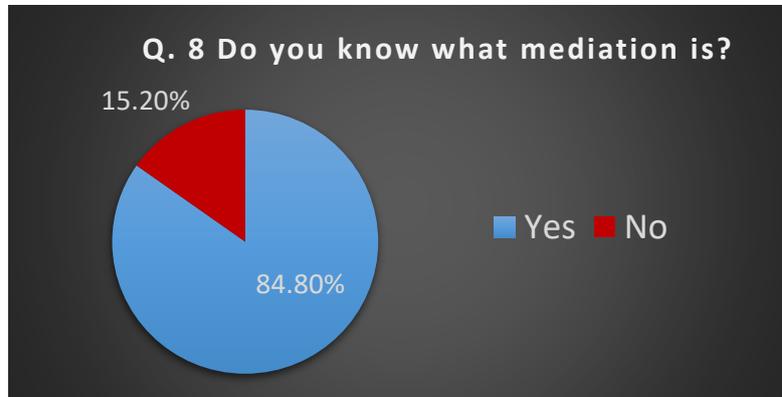
To this question, between landlords and tenants, 65.18% of the responders stated to not have searched for external assistance while trying to solve their dispute and 34.82% stated to have search for external assistance.

Regarding the responders that answered to have searched for assistance, they were additionally asked which institutions they contacted for help, the results were divided as expressed in the following graph:



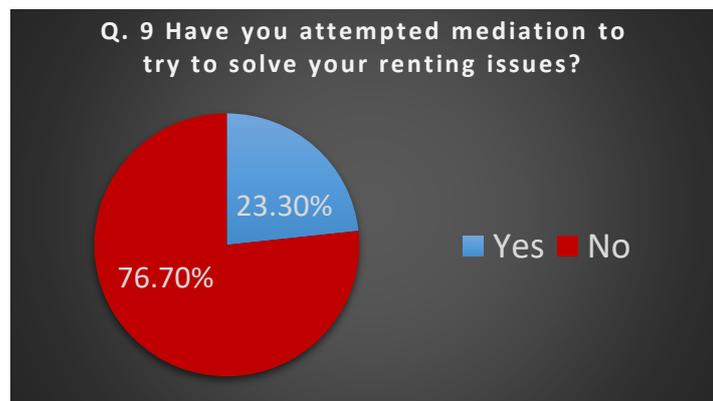
Graph 10 Continuation of question 7 of the survey

As expressed in Graph 10, between the respondents who searched for external assistance, 62% stated to get in contact with the Residential Tenancies Board (RTB), 36% contacted Threshold and 2% contacted the Irish Housing Network.



Graph 11. Question 8 of the survey

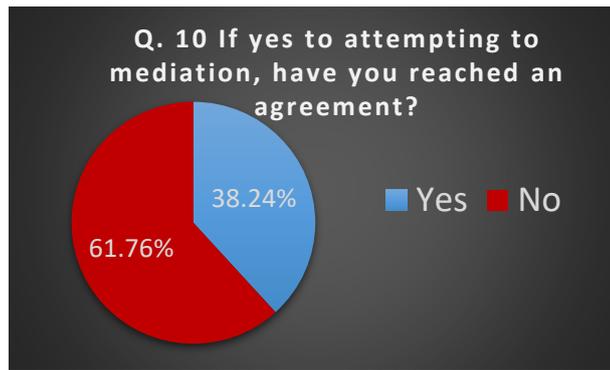
To this question, 84.80% of the responders, between landlords and tenants, responded to know what mediation is while 15.20% of the responders stated to not know what mediation is.



Graph 12. Question 9 of the survey

Tenants and Landlords who never had issues while renting a house were instructed to skip this question.

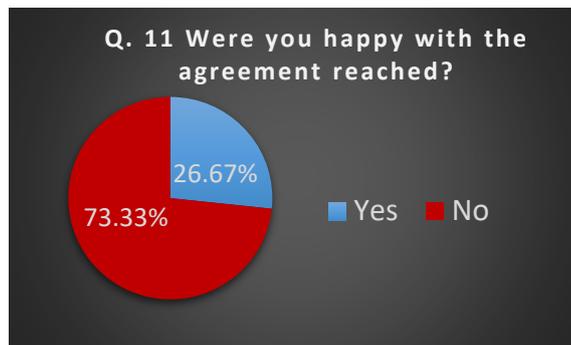
A total of 23.3% of tenants and landlords together attempted mediation, while 76.7% have not attempted mediation.



Graph 13. Question 10 of the survey

Tenants and Landlords who did not attempt mediation were instructed to skip this question.

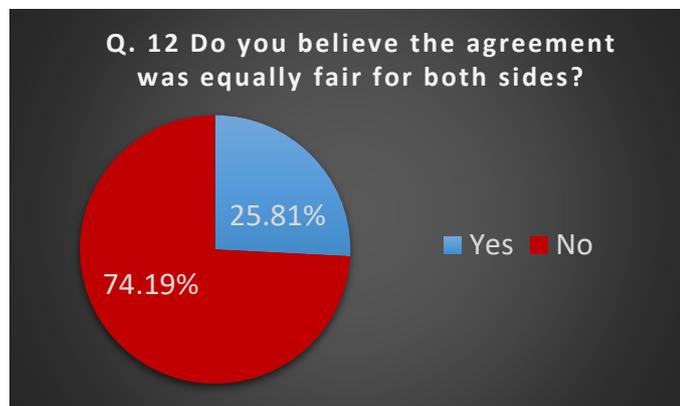
While the majority of the responders declared to have not reached an agreement, 61.76% of the total, only 38.24% of the responders declared to have reached an agreement.



Graph 14. Question 11 of the survey

Tenants and Landlords who did not attempt mediation were instructed to skip this question.

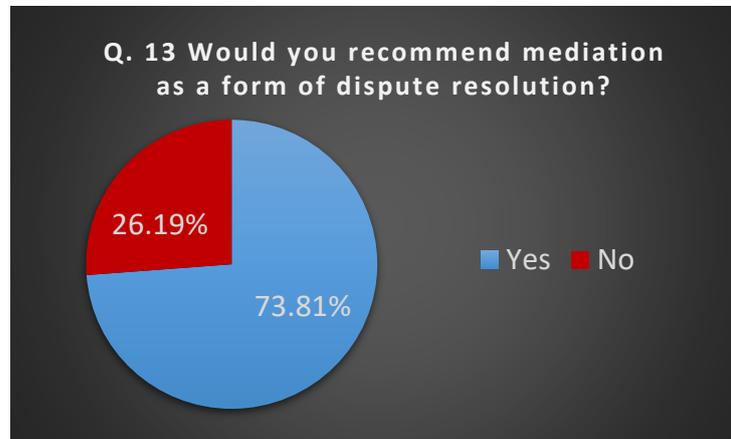
Overall, a total of 26.67% of respondents stated to be satisfied with the outcome of the agreement while a total of 73.33% stated to be unhappy with it.



Graph 15. Question 12 of the survey

Tenants and Landlords who did not attempt mediation were instructed to skip this question.

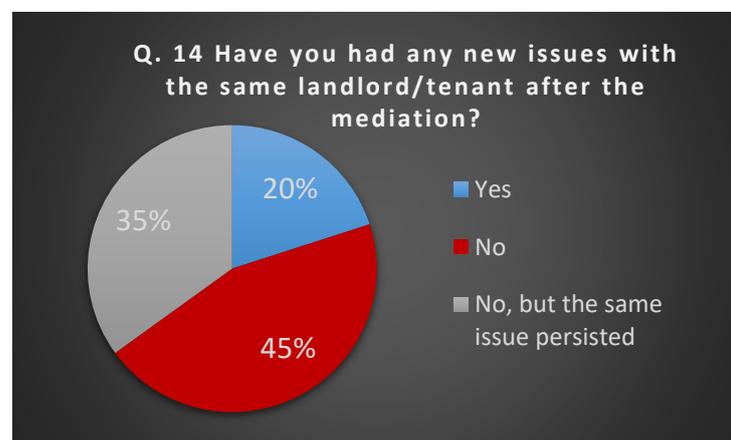
While a total of 25.81% of respondents believe the outcome of the mediation process to be fair, 74.19% believe the outcome was unfair.



Graph 16. Question 13 of the survey

Tenants and Landlords who did not attempt mediation were instructed to skip this question.

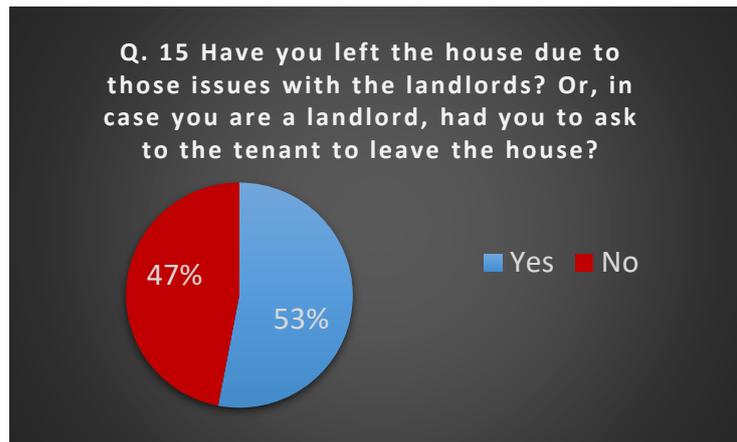
Overall, 73.81% of tenants and landlords that attempted mediations would recommend it, while 26.19% wouldn't recommend the process.



Graph 17. Question 14 of the survey

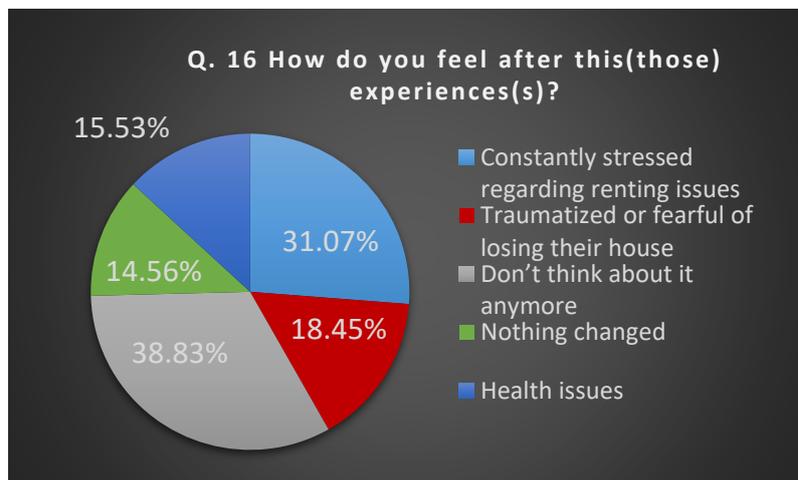
Tenants and Landlords who did not attempt mediation were instructed to skip this question.

A total of 45% of responders declared to not have had any issue after the mediation process, while total of 35% stated that the same issue persisted and 20% declared to have had new issues after the mediation.



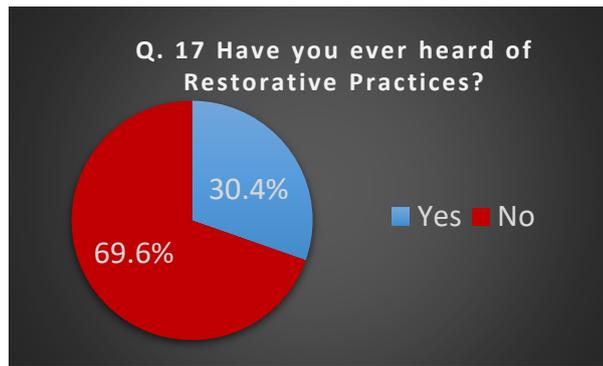
Graph 18. Question 15 of the survey

An overall of 53% of respondents answered yes to this question, while 47% answered no to this question.



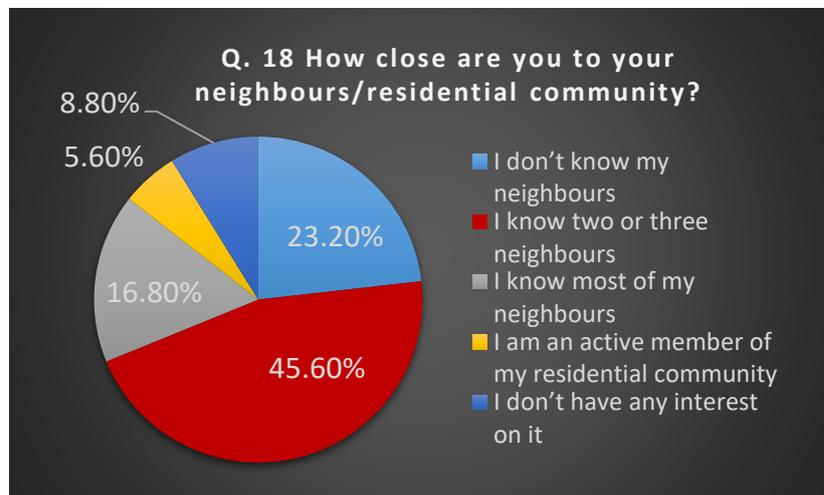
Graph 19. Question 16 of the survey

To this question, 31.07% of the responders stated to feel constantly stressed regarding renting issues, 18.45% answered to be traumatized or fearful of losing their house, 38.83% answered to don't think about it anymore, 14.56% stated the experience had no further impact in their life and 15.53% reported that them or a member of their family have health issues due to those experiences.



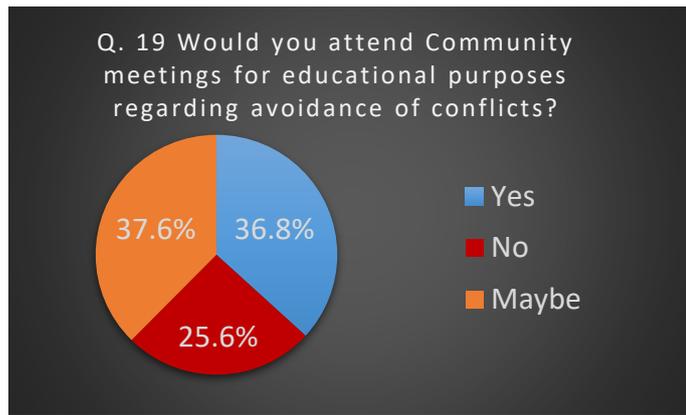
Graph 20. Question 17 of the survey

Only 30.4% of the respondents, between tenants and landlords have heard about restorative practices, while 69.6% have never hear about it.



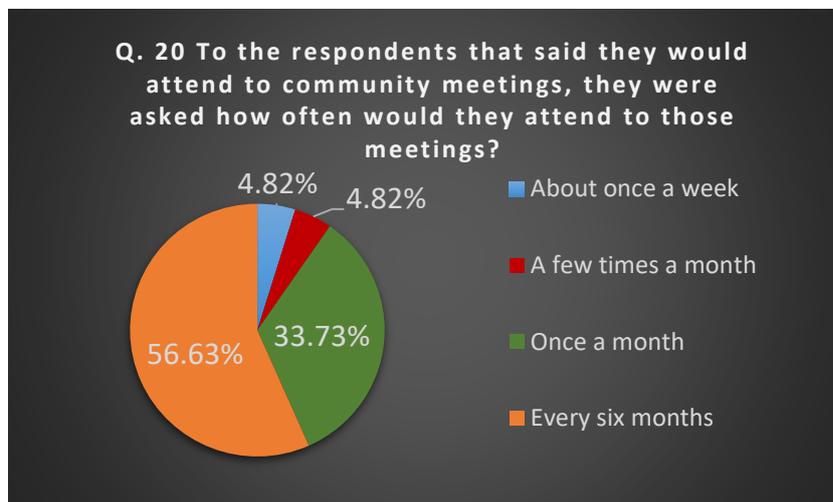
Graph 21. Question 18 of the survey

To this question between landlords and tenants, a total of 23.02% of responders stated to not know their neighbours, a total of 45.60% of responders stated to know two or three neighbours, 16.80% stated to know most of their neighbours, 5.60% stated to be active members of the community (being always in contact with the neighbours and aware of what is happening in the community) and a total of 8.80% declared to have no interest on the subject.



Graph 22. Question 19 of the survey

While 36.8% of respondents would be willing to attend to community meetings, 25.6% declared they would not attend to those meeting and 36.8% stated that maybe they would go.



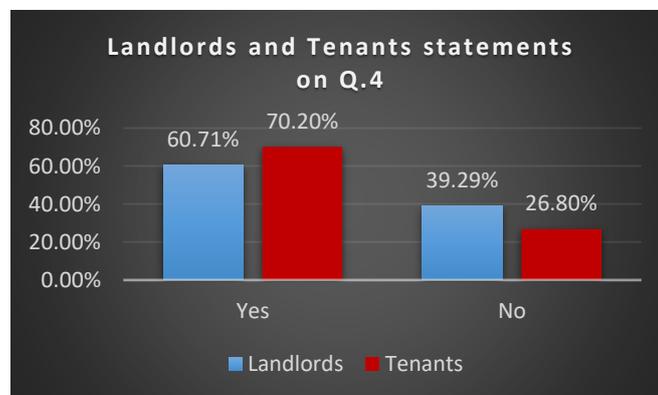
Graph 23. Question 20 of the survey

The majority, 56.63% of responders, answered they would attend to those meetings every six months, while 33.73% answered they would attend once per month and two groups of 4.82% responders answered they would attend community meetings a few times per month or once a week.

#### 4. Data Analysis/Findings

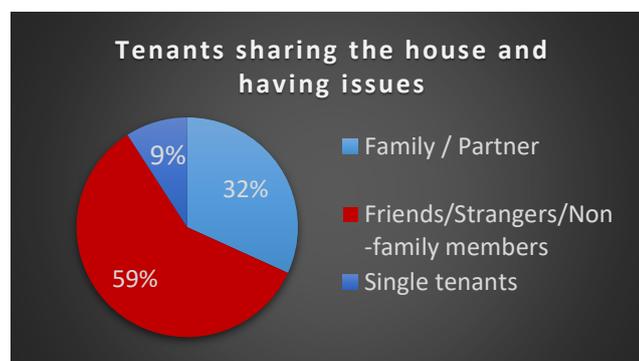
Looking more closely at some of the results and crossing the information obtained in the questions can give a better view of the picture and assist in analysing the results, to place them in the bigger picture of the issue of the rental sector in Ireland.

On question 4, dividing the result between Landlords and tenants. While 60.71% of Landlords stated to have had issues with Tenants, the percentage of Tenants that stated to have had issues with their Landlords is 73.2%. In addition, while 39.29% of Landlords stated they have never had issues with their tenants a percentage of 26.8% of Tenants stated to have never had issues with their Landlords.



Graph 24. Landlords and Tenants statements on question 4 of the survey

Looking specifically to the tenants, crossing results between questions 4 and 3, 59% of the tenants who share their houses with friends/strangers/non-family members reported to have had issues with their landlords while 32% of the tenants who share their houses with family members/partners and only 9% of single tenants reported the same.

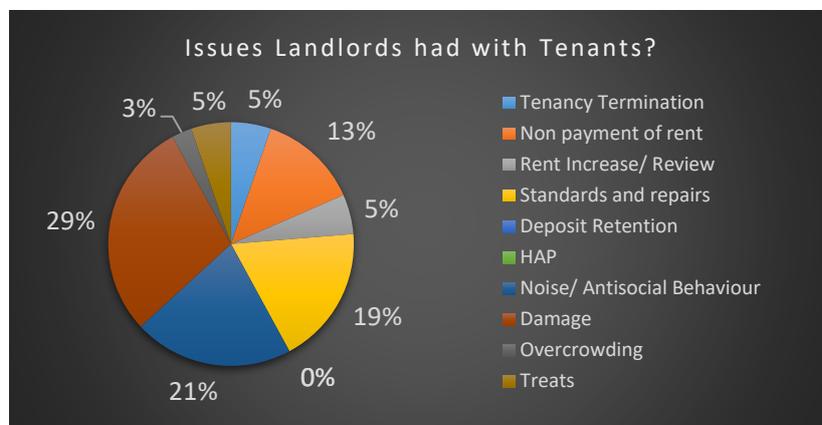


Graph 25. Results obtained while crossing answer to questions 4 and 3 of the survey

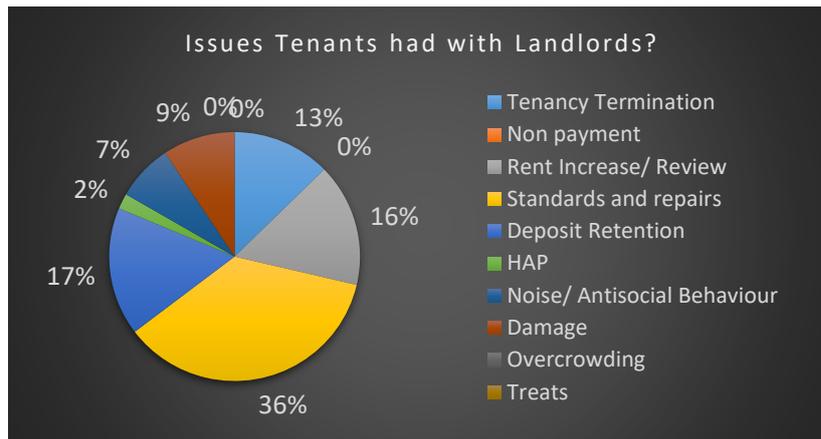
Based on results obtained when crossing information's on Questions 3 and 4, it is therefore reasonable to say that both landlords and tenants insert in the rental sector of the country, have a high incidence of issues and moreover, tenants who share their houses with non-family members or partners are more susceptible to have issues than the rest of the population.

Crossing information obtained in questions 4 and 5, the results show that although a high percentage of the population had issues correlated with renting a house, fraction that is represented by 70.40% of the responders, question 4 shows that near to half of that population, correspondent to 51.54% of the responders, stated to have had issues with only one landlord/tenant. This might show that although having issues in this sector is common, those issues my being caused by a smaller number of individuals dispersed in the population. Proven that this statement is right, if the individuals that might be causing the issue were accessed and educationally assisted the problems of the sector might be mitigated.

Analysing the list of issues obtained in question 6 and crossing results with the first question, new graphs with the incidence of issues confronted by landlords and tenants separately were obtained.



Graph 26. Results obtained while crossing answer to questions 6 and 1 of the survey



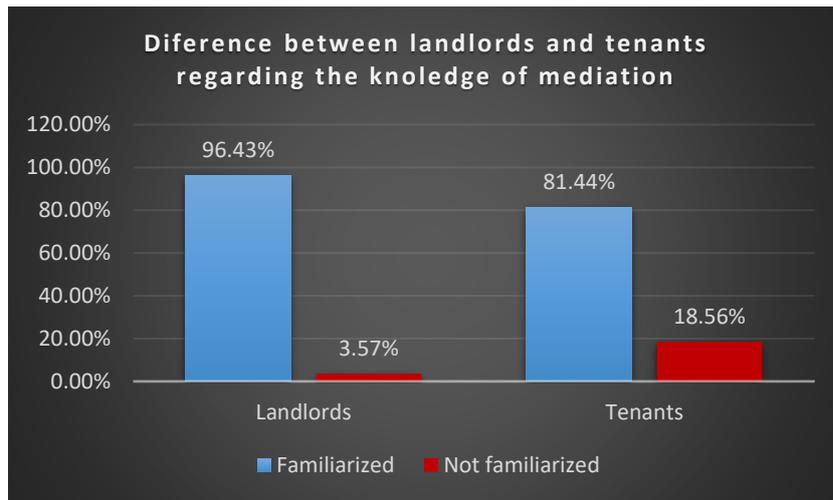
Graph 27. Results obtained while crossing answer to questions 6 and 1 of the survey

The new graphs show more contrast between the issues stated by landlords and tenants in comparison with the original graph (graph 8), such as, for landlords the biggest issues confronting them are damages, with 29% of the responses, and noise and antisocial behaviour with 21% of the responses, while tenants' biggest issues were standards and repairs, with 36% of the responses, followed by deposit retention, with 17% of responses, and rent increase/review, with 16% of the responses.

The contrast in both graphs might indicate a lack of acknowledgement of issues that doesn't affect the respondents as badly as it affects the other party or bias of the responders regarding the issues experienced, where the respondents chose not to mention issues that have roots in their own actions.

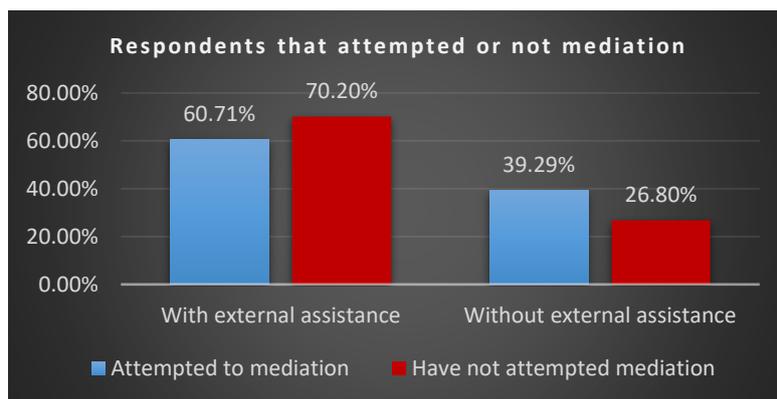
Regarding the results obtained in question 7, where it is expressed that 65.18% of the population who had previous issues with landlords did not search for any assistance, it is fair to say that as the majority of the population have not searched for assistance from external institutions such as RTB, CATU or Threshold, therefore, the figures expressed by those organizations don't represent a fair amount of the population.

Crossing results obtained in questions 1 and 8, the landlords respondent's that have declared to not know what mediation represent 3.57% of the sample population, while the tenants that have made the same statement represent 18,56% of the sample population.



Graph 28. Results obtained while crossing answer to questions 1 and 8 of the survey

The difference between landlords and tenants that are familiarized with what is mediation, shows a difference in the dispersion of information about the subject. Further, that might indicate advantage to access solutions for disputes from landlords over tenants.



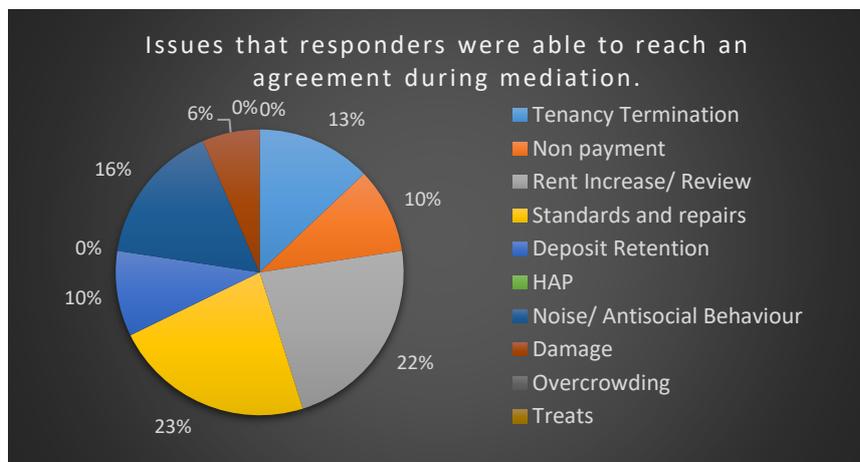
Graph 29. Results obtained while crossing answer to questions 7, 8 and 9 of the survey

Looking closely to question 9 results, where 76.70% of respondents stated to have not attempted mediation and 23.30% of respondents stated to have attempted mediation. A percentage of 65.22% of respondents that declared to have attempted to mediation searched for external assistance, while 34.78% respondents had no external assistance. Also, regarding the responders who declared to have not attempted mediation, 28.21% searched for external assistance from instructions while 71.79% had no external assistance from institutions.

So far, based on the information displayed when crossing the results obtained in questions 7, 8 and 9, it is a safe assumption that the majority of respondents that searched for assistance of any institutions,

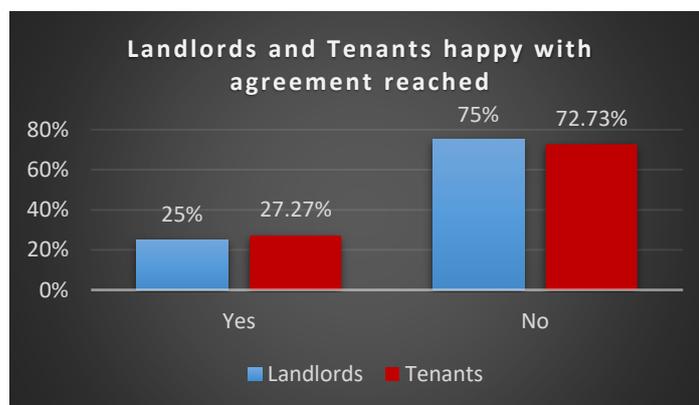
were informed of the option of mediation and were encouraged to attempt mediation as a form of dispute resolution. The results mentioned, also characterize the institutions as agents of dispersion of information in the sector.

Crossing results of questions 6 and 10, of the 38.24% responders that stated to have reached an agreement on question 10, 13% had issues related to Tenancy termination, 22% had issues related to Rent Increase/Review, 23% had issues regarding Standards of living and Repairs, 10% regarding Deposit retention, 16% regarding to Noises/antisocial behaviour and 6% regarding to damages.



Graph 30. Results obtained while crossing answer to questions 6 and 10 of the survey

Analysing this data, although there doesn't appear to be any relation between the issues and the success of reaching an agreement, the distribution seems to indicate to be slightly easier to reach an agreement with issue related to rent increase/review and standards of living and repairs.



Graph 31. Results obtained while crossing answer to questions 1 and 11 of the survey

On question 11, looking closely to the 26.67% of respondents that stated to be happy with the agreement, a total of 25% of the landlords stated to be happy with the agreement, while a total 27.27%

of tenants stated to have the same reaction to it. Furthermore, the result shows some balance between both community's acceptances to their mediation outcome, which could indicate some sense of fairness in the process.

Crossing results obtained in questions 11 and 12, from the 25.81% that believe the agreement was fair to both parts, a percentage of 87.5% also were happy with the results of the agreement. While from the 74.19% that believed the outcome of the mediation process was unfair, a percentage of 4.55% also were happy with the results of agreement.

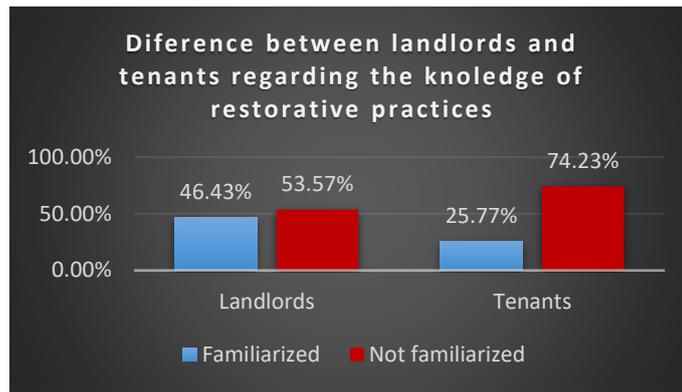
Even though previous results could indicate fairness in the process, the opinion of the respondents regarding the fairness of the procedure showed signals of bias, as there was a connection between the answers of respondent's that demonstrated satisfaction with the outcome and considered it fair.

The pattern of bias between the opinion of respondents persisted, when crossing answers from questions 11, 12 and 13. From the 73.18% respondents mentioned in question 13 who would recommend mediation, 88.89% reached an agreement and were happy with the results while 11.11% either did not reach an agreement or were unhappy with the results.

Crossing results from questions 10, 14 and 15, of the 55% of respondents that answered to have reached an agreement and to either have had new issues with the same tenant/landlord or the persistence of the same issue after the process of mediation also with the same tenant/landlord, 72.73% between tenants and landlords, had to leave the house or had to ask the tenant to leave the house due to the conflict.

This high rate of abandon/eviction might indicate flaws in the way the mediation process is carried and its efficiency.

In question 16, a total of 15.53% respondents reported that them or a member of their family have health issues due to the bad experiences, 100% of the respondents that made this statement answered to be landlords in question 1 and to have received threats in question 6.

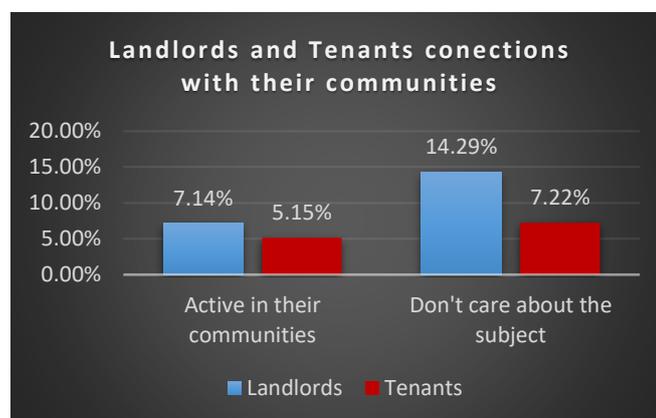


Graph 32 Results obtained while crossing answer to questions 1 and 17 of the survey

In question 17 the respondents were asked if they have ever heard of restorative practices and based on their answers. Looking more closely to the 30.4% of individuals who have answered to have knowledge about the subject, the same pattern of distribution of information seen previously in question 8, where landlords seem to have a better understanding of the subject in comparison with the tenants, can be identified.

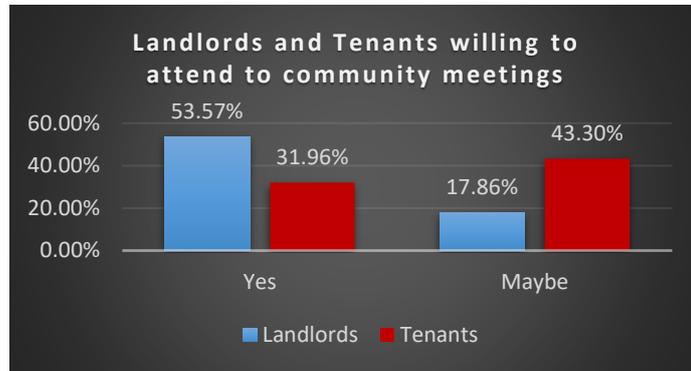
To this question, while 46.43% of the landlords declared to have heard about restorative practices, only 25.77% of tenants declared the same.

The exhibition of a continuous pattern of discrepancy of information held by both groups, reinforce the hypothesis drawn before, stating that there is no balance in the dissipation of information over matters that can assist to solve disputes in the rental sector and more than that, that landlords might have advantage over tenants in this subject.



Graph 33 Results obtained while crossing answer to questions 1 and 18 of the survey

In question 18, when analysing the two most contradictory answers, to be an active member of the community or to don't care about the subject. While Landlords and Tenants seems to be equally active in their communities, the number of Landlords that don't care about make part of a community is much higher than the number of Tenants that stated the same.



Graph 34 Results obtained while crossing answer to questions 1 and 19 of the survey

Regarding to their willingness to participate in community meetings, crossing information obtained in questions 1 and 19, it seems landlords have a more assertive willingness to participate of community meeting, while tenants have a good representation in the middle ground. Even though Tenants willingness to participation might not be as assertive as the landlords' willingness, both groups show major percentage of interest in the subject.

Regarding the results shown in question 20, both landlords and tenants, when analysed together or separately and filtrated by their positive willingness to participate in community meetings, believe they would majorly attend to those meeting every 6 months.

## 5. Discussion

### 5.1. Rental issues in Ireland and the available figures

As mentioned before, the information available in respect to determining a true overall view of issues that are happening in the rental sector are very limited. Most of the information available comes from institutions, such as the RTB, that apart from regulating the legislation of the subject, also works as an open-door assistance to anyone who needs assistance with issues related to renting.

As expressed by the figures obtained in question 7 of the present research, more than half of the population that had issues with their tenants or landlords have never searched for assistance of institutions. In addition to this, looking at the portion that in fact searched for assistance, the figures show a division of preference, where 62% of them were in contact with RTB, 36% with Threshold and 2% of smaller institutions.

In other words, the data obtained by those institutions only represents a small portion of the sample that not only searched for assistance, but that also chose this specific institution. Looking to figures that only represent a small fraction of the whole and that at the same time, come from an institution that is specialized with dealing with these issues, finally, this inaccuracy can be considered a sampling error, where a scenario that's not accurate with the reality of the country will be painted.

Hayes (2021) explains that looking to results that contain sampling errors while trying to map a situation or find specific issues and its resolutions, not only interfere in the general idea that won't be accurate enough but also, can give the wrong idea of the seriousness of the issue.

Comparing Graph 1, published in Threshold's report, where the main issues for tenants in 2019 are listed and the list of issues obtained by the survey of this present work (Graph 23), there is near to no similarities between the distribution of occurrence of those issues. For example, in Graph 1 the issue that most affect people that look for their assistance is Tenancy termination, with 35% of representation, while the representation for same issues in the overall population that search for assistance or not obtained by the survey (Graph 23), is only 13% of the total.

As one of the main goals of this dissertation is to raise awareness over issues confronted by landlords and tenants, is important to highlight that 5% of respondents declared to have received threats from their tenants/landlords, which is also not documented in other research and might qualify as an escalation of the situations and seriousness of issues in this sector.

Also emphasising this possible escalation of issues, in question 16, there is 15.53% of the respondents also mentioned that either them or members of their family are struggling with mental health issues caused by the conflict with their tenants.

With Covid-19 increasing the issues, such as unemployment and increasing arrears accumulation in rent (Social Justice Ireland, 2021), and the exiting of the Landlords from the rental sector (Gataveckaite, 2021 and IPOA, 2021), issues in this sector that were already frequent, affecting 70,4% of the populations researched as mentioned in Graph 6, will increase as well as the price of the rent in some places where the amount of properties to rent will decrease.

It is important to remember that issues like the increase of homelessness, among other reasons, are directly related with the increase of renting prices and lack of availability of houses in the market (IPOA, 2021).

## **5.2. Mediation in the context**

The efficiency of mediation to solve renting issues not only in Ireland, but worldwide, is supported by numerous authors, such as De Palo (2018) and Baird (2004), however, to attempt mediation first you must know the existence of the process.

As shown by the survey, 1/5 of the respondents did not know what mediation is and from the 4/5 of the respondents that know the process, only another 1/5 of the total attempted to solve their renting issues through it.

Results obtained when crossing the responses given in the survey, as mentioned before, showed that most respondents, 65% of the total, both attempted mediation and searched for assistance of external institutions, which allows the understanding that those institutions acting as agents of dispersion of information in the sector.

Perhaps increasing the dispersion of information regarding the alternative dispute resolution options making it available, and more accessible to the public, while making it more attractive to tenants and landlords, will not only increase the amount of people trying to solve their issues through those techniques but also avoid escalation of issues as they became aware of the concept earlier. Consequently, avoiding escalation of issues, can assist in decreasing the amount of people disclosing to have received threats or having health issues due to their disputes.

Although in Ireland, the mediation settlements are legally binding (Mediation Act, 2017), the survey revealed that most of the tenants and landlords have reoccurring issues after the agreement or new issues arise from the broken relationship. It seems to show that there is a lack of continuity in the process. It might be caused by the focus of the mediation in reaching an agreement more than in fixing the issues at the root of it, instead of humanizing both sides of the problem and generating mutual understanding, as defended by Hoffmann (2011).

### **5.3. Respondent's bias**

Although the present research gathers data that mainly relies on public opinion, there are some behavioural patterns that might indicate bias in some answers, ultimately affecting the results.

Bias is defined as any tendency or internal validation that prevents an accurate analysis of any specific subject, causing miscalculation of the relationship between an exposure and an effect in the target group (Pannucci and Wilkins, 2010, p 619).

There are several types of bias, and they can be expressed in a conscious or unconscious way. Unconscious bias is the most common and the lack of awareness makes them almost unfixable (Delgado-Rodriguez and Llorca, 2004, p.635).

Things we recall aren't necessarily accurate or dependable. Our recollections of the past might become distorted when our feelings or thoughts about something change through time, and we prefer to match those memories with our current views and beliefs. The proximity of individuals to the situation to be explored might also affect the detail on their story telling or the points of the issue that will be emphasized or left out (Johnson, 2019).

In question 6 of the survey, the issues confronted by landlords and tenants' respondents were jointly accounted. For a better understanding of patterns, the original answers were then divided between answers obtained from landlords and answers obtained from tenants, and surprisingly, two very distinct graphs were made.

The initial thought was that the two new graphs, made when crossing information obtained in questions 1 and 6, would not be as significantly different from the original one as disputes have side effects in both parties.

Although, when breaking question 6 of the survey between the answers given by landlords and tenants, there was an evident distinction in the proportionality of distribution of respondents per issue pointed. This difference might be explained looking to the concept of recall bias given by Johnson (2019) where, as some people tend to focus on issues that affects them more than the other party, there is a tendency of only recalling problems that affected them primarily and left out the issues that they might have inflicted, as for the individuals that are telling the story, it had only a secondary impact.

Another type of bias that also can explain the difference of answers in the same question is the Response bias. Johnson (2019) also explains that in this pattern of bias, the respondents tend to withhold information that might put them in uncomfortable situation, for being afraid of judgment of others or themselves, making their reports inaccurate and misleading.

Another point of the research that, with triangulation of results, seems to have strong influence of personal bias are the answers obtained from questions 12 and 13.

On question 13, there seems to be a relation between the percentage of respondents who were happy with the agreement reached and their concept of fairness. Arnett (1967, p.292) describe the concept of fairness as having a straightforward connection with justice, here for a decision to be considered fair, it needs to account for the needs and interest of all the parties involved equally. The same author adds that the justice in the concept is more related with the process that was performed to come to a decision than the final decision itself.

Moreover, even though authors like Menzel (1991, p. 05) and Baird (2004) also question the fairness in mediations agreements, in this specific case, is safe to say that the relation shown between the satisfaction of the respondents with the agreement and their opinion over the fairness of it, based on the concept of fairness explained by Arnott, might indicate bias.

The same relation can be observed in question 13, where significant percentage of the respondents who would indicate mediation, also stated to be happy with the agreement reached and considered the agreement to be fair.

It is important to highlight that even though might be a connection between the outcome of the mediation process and the indication of mediation as an alternative to dispute resolution, as mentioned before in the literature review of the present work, mediation shows numerous proofs of effectiveness in diverse areas and, in addition to it, it represents a cheaper, faster and simpler alternative, therefore, cannot be disqualified as an option to dispute resolution.

#### **5.4. Restorative Practices and community meetings**

As mentioned before, restorative practices don't act only in the afterwards of the conflict, in the mitigation or resolution of issues but also in the avoidance of conflicts through processes that focus on bringing responsibility for the issues to the perpetrator and victims, as well as the conscientization of the individuals own attitudes.

Sherman and Strang (2007) present a study that shows that when people are exposed to the effect of their actions, by sympathising with the other party, they have better understanding of the extension of their attitudes. In their studies, when perpetrators are exposed to this learning environment, they committed fewer crimes in the future and that the strategy was also cost-effective.

Christie (1977) explains that when the deeply influence matters of society in issues solving that represents a loss, not only for both, victims and society, but also for civility, for losing the opportunity of dealing with the anxiety and misconceptions produced by the offense as well as the chance of repairing and taking responsibility.

Following Christie's (1977) ideas, Strang and Braithwaite (2001, p.114) say that if taking responsibility represents a democratic virtue, to keep restorative practices concepts in formal criminal justice institutions is not enough, it needs to be included in all the levels of society.

Although the acknowledgement of restorative practices between members of the population researched is not extensive, results of the research prove that there is willingness in the same population for education and periodic participation in basic forms of restorative practices, such as community meetings.

As mentioned by Maton (2008, p. 8) community meetings are an easy and accessible way to empower a community while at the same time, bringing neighbourhoods together to find reasons for issues held in common. In his work, the author mentions the use of community meetings to discuss issues and explains how enlightening circles of conversations can be, regarding an acquisition of knowledge not only of the subject being discussed but also of the human part and effects of the issue.

Maton (2008, p.8) recognizes a link between personal development and group development, and through his studies, he concludes that looking to community psychology and related fields may help expand the number and variety of empowering settings available, as well as improve the community and social effect of those that already exist.

Results of the survey revealed a discrepancy in the knowledge held by landlords and tenants, and further than that, identifies that people who searched for external assistance had more advantage, having better chances to solve issues than people that had no contact with external assistance.

As mentioned before, the connection between attempting mediation and having searched for the assistance of an institution, proved to be beneficial to the facilitation of the participation in the process.

Perhaps, using community meetings as a new agent in the dispersion of information about the subject would assist in a better and more equal distribution of knowledge, instructing a bigger part of the population in focus that still don't have issues in the sector to avoiding them and instigating the parties with existing open disputes to search for alternative ways to solve it.

The use of community meetings for education purposes not only, as mentioned before, would assist lowering the number of issues in the rental sector, but also help with a better dispersion of information, decreasing the imbalance of knowledge and ultimately giving more chance of disputes being solved before causing further damage.

Berry (1993) compared society with a living organism that is always evolving and with its evolution, there is a urging need of adaptation. With this adaptation, the author believes there is necessity of return of old practices, such as bringing urban democracy and popular discussion back.

The landlords leaving the rental sector, as previously mentioned, will necessitate the implementation of new tactics that will work to avoid the increase of new issues, as well as mitigate the existing conflict pattern.

### **5.5. Mixing approaches**

Although mediation is a great model of dispute resolution that is gaining even more space with the development of techniques, mediation still lacks in qualification as pre-conflict agent. Looking in the timeline of the issues and considering where each method acts, it's fair to say that both approaches can act complementarily. Experiments developed by Byer (2016) and Vyckier (2009), are some of the authors that support with evidence the mixed approach model.

The results obtained with the survey shows that not only there is a reoccurrence of issues after the mediation process, but also that even after the conflict being solve there are still damages that are irreparable.

The willingness of participation in community meetings processes, stated by the respondents of the survey, and the opportunity of balance of knowledge arising from the implementation of restorative practices made the idea of a mixed approach between both approaches feasible and extremely attractive to the context.

## 6. Conclusion

Before we can fix an issue, we must first comprehend it. This requires a significant amount of thought and resources (Dolfing, 2018). The main goal of this research was to gather information on the issues that are affecting the renting sector in Ireland and how the alternative dispute resolution techniques are acting in this context.

Currently, in accord with Donohoe (2021), Gleeson (2021), Kennedy (2021) and RTE (2020), the capital of Ireland, Dublin, is the 5th most expensive city to rent in Europe. The increasing price of renting in the country affects not only the lifestyle of the population but also the indices of homelessness.

With high rents, to be able to afford renting a house more people are being forced to share their houses, in accord with the survey develop in this research 65% of the population who rents a house, are living in shared environments. The survey also revealed that from those 65% of respondents who are sharing the house, a total 42% are sharing the house with strangers and non-family members.

In addition to it, also from the survey, there is a total of 70,4% of the respondents that stated to have had issues with landlords or tenants while renting a property in Ireland, sharing the house or not.

With Covid-19 increasing the issues, such as unemployment and increasing arrears accumulation in rent (Social Justice Ireland, 2021), and the exiting of the Landlords from the rental sector (Gataveckaitė, 2021 and IPOA, 2021), issues in this sector that were already frequent tend to increase.

In addition, the specific aims and the objectives of the research were:

1 - To determine the most common issues between tenants and landlords (that appealed or not to external assistance);

2 - To identify the percentage of these issues that in fact go through mediation as an attempt of dispute resolution, and how many of those attempts are effective at solving disputes on a long term basis;

3 – Speculate about the use of restorative practices in the rental sector.

The present dissertation, through the answers obtained by the survey, determined that the figures presented by institutions that aim to assist the population in the solution of problems in this sector don't present an accurate picture of the issue as less than half of the population who has issues in the sector look for external assistance. In addition, the people who look for assistance search for it in more than one institution, therefore, the figures are spread in the different organizations that perform the work.

As expressed in the previous chapters, based on the answers obtained on the survey, two lists of issues faced by tenants and landlords, separately, were obtained. Surprisingly, there is a contrast in the figures expressed by the two groups and a possible reason for it is the expression of responsive bias by the respondents, as explained by Johnson (2019).

Between the issues identified, 5% of the landlords declared to have received threats at some point of the conflict and in another question, 15.53% of the respondents stated that as a result of the conflict related to renting issues, them or a member of their family's present health issues and need of mental health assistance.

The research identified that although 84,80% of the respondents know what mediation only 23,30% attempted mediation is, and of those, only 38,24% reach an agreement. Of the percentage of residents that were able to reach an agreement, only 26,67% were happy with it and only 45% declared to not have had any issues after it with the same tenant or landlord. Looking at the 65% that declared to have had either new issues with the same person, or that the same issue persisted after the mediation, 53% declared to have had to leave the property after those issues.

The research also showed acceptance of the use of restorative practices and willingness to join in community meetings for educational purposes.

As the results shown, the use of mediation is not enough to support and mitigate the current issues in the rental sector of Ireland.

Also, the exiting of landlords of the rental sector, as previously mentioned, will necessitate the implementation of new tactics that will work to avoid the increase of new issues, as well as mitigate the existing conflict pattern.

As restorative practices bring conscientisation to both parties of the issue and assist in humanizing the issue. Studies show that people that participated in restorative practices projects and were exposed to deep analysis of their behaviour and how it can affect people they committed fewer crimes in the future and that the strategy was also cost-effective (Sherman and Strang, 2007)

As mediation and restorative practices are historically complementary approaches (Sullivan and Tifft, 2006), acting in different points in the timeline of issue, a mixed approach would not only be beneficial to the context in mitigating the current issues but educating the community to avoid an increase in the number of new disputes.

## 7. Reflection

Looking back to everything I have learned in the past year, seeing how conflicts can deeply affect people and break relationships, I can clearly see the importance of this course. To understand how conflicts can be avoided and/or managed and how one's background can influence in their perception of a situation changed me in a professional and personal level. I can see results of my learning and development in the way I face the many obstacles of my line of work, managing how much they affect me and responding more appropriately.

Regarding this specific dissertation, as a tenant living in Ireland, I believe the experience of others can show a path of learning and growth. The mistakes the led the past generations can be used as an example and the reports of their experiences can show how much it can affect, not only the trust in the sector but the imbalance of the distribution of knowledge.

To build a project and execute it in such a small amount of time was a challenge, however, to see how the fields of the area are complementary only confirmed the idea that there is no things such as lonely science.

In a broader scenario, I am very happy with my personal achievement of completing a Master in a language that to me is foreigner, despite the daily life challenges.

I'm extremely grateful for the support of all the ones who believed on me and for the opportunity of personal development. Through my life, learning and improving myself was never an option but an obligation.

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## 9. Appendix

Survey developed using SurveyMonkey platform. Link:  
<https://www.surveymonkey.com/r/TB8KLJK>.

**Conflicts between tenants and landlords in Ireland and the use of mediation and restorative practices.**

Purpose

This research has an academic purpose only.

There is no direct benefit from answering the questionnaire, but your participation will have an importance in the development and further understanding of the topic.

Confidentiality

Any answers provided will be sent to a link at Google Forms, and the data collected will be stored online in an electronic format protected by a password. Information such as name, email address or IP address will not be collected by the platform. As a result of this, all responses are completely anonymous, and no identification is required.

Aim

The main goal of this research is to gather information on the use of alternative dispute resolution techniques, in the context of the Irish rental market.

Concerns

In case you have any doubts or concerns in relation to this research, you are welcome to contact the research supervisor Paul Crowther ([paul.crowther@independentcolleges.ie](mailto:paul.crowther@independentcolleges.ie)) and the research candidate Alessandra Turin ([ale\\_nw13@hotmail.com](mailto:ale_nw13@hotmail.com)), who is a registered student at Independent College Dublin undertaking the degree of Master of Arts in Dispute Resolution.

In case you feel that this research has not been able to maintain ethical principles, please contact Independent College Dublin at the contacts below:

Independent College Dublin at Block B, The Steelworks, Foley St, Dublin 1, or by email:  
[info@independentcolleges.ie](mailto:info@independentcolleges.ie)

Proceeding with the questionnaire, you are automatically indicating that:

You have READ and AGREED with the above information.

You agree to participate in this research VOLUNTARILY.

You are 18 years or over and a currently resident in Ireland.

Thank you for your time and for assisting me in the completion of my master's degree.

Question Title

**\* 1. Are you a landlord or tenant?**

Landlord

Tenant

Question Title

**\* 2. *If you are a tenant, do you share a house?***

Yes

No

I am a landlord

I'm a landlord but I have tenants living in my house with me.

Question Title

**3. *Who do you share a house with? (If you are a landlord, please only answer this question if you have tenants sharing the house with you)***

Family

Friends / Non-family members

I'm a single Tenant

Other (please specify)

Question Title

**\* 4. *If you are a Tenant, have you ever experienced issues with a Landlord, while renting a house? Or If you a Landlord, have you ever experienced issues with a Tenant, while renting a house?***

Yes

No

Question Title

**\* 5. *With how many landlords/tenants you had issues with? (Number only, if you had no issues, please type zero)***

Question Title

**6. *Which issues? (In case you haven't had any issues, please skip the question)***

Tenancy termination

Rent increase/Review

Standards and repair

Deposit retention

HAP

Noises/Antisocial behaviour

Damage

Other (please specify)

Question Title

**7. Have you searched for assistance of external institutions? (Ex. Residential Tenancies Board - RTB, Community Action Tenants Union - CATU, Threshold...) In case you haven't had any issues, please skip the question.**

No

Yes (please, specify which one/ones?)

Question Title

**\* 8. Do you know what mediation is?**

Yes

No

Question Title

**9. Mediation is an alternative dispute resolution method in which an independent third party (Mediator) uses techniques to help the parties settle down their disputes without imposing a decision. The result of a Mediation relies on the parties.**

Read

Question Title

**10. Have you attempted mediation to try to solve your renting issues? (In case you haven't had any issues with your Tenants/landlord, please skip the question)**

Yes

No

Question Title

**11. If yes, have you reached an agreement? (In case you haven't attempted to mediation, please skip the question)**

Yes

No

Question Title

**12. Were you happy with the agreement reached? (In case you haven't attempted mediation, please skip the question)**

Yes

No

Question Title

**13. Do you believe the agreement was equally fair for both sides? (In case you haven't attempted to mediation, please skip the question)**

- Yes
- No

Question Title

**14. Would you recommend mediation as a form of dispute resolution? (In case you haven't attempted to mediation, please skip the question)**

- Yes
- No

Question Title

**15. Have you had any new issues with the same landlord/tenant after the mediation? (In case you haven't attempted to mediation, please skip the question)**

- Yes
- No
- No, but the same issue persisted.

Question Title

**16. Have you left the house due to those issues with the landlord? Or, in case you are a landlord, had you to ask to the tenant to leave?**

- Yes
- No

Question Title

**17. How do you feel after this(those) experience(s)?**

- Constantly stressed over my renting issues
- Traumatized/Fearful of losing my house
- I don't think about it anymore
- Nothing changed
- Other (please specify)

Question Title

**\* 18. Have you ever heard of Restorative Practices?**

- Yes
- No

Question Title

**19. Restorative Practices (RP) are an evidence-based set of skills that help develop and sustain strong and happy organisations and communities by actively developing good relationships, preventing the escalation of conflict and handling conflict and wrongdoing in a creative and healthy manner.**

Read

Question Title

**\* 20. How close are you to your neighbours/residential community?**

- I don't know my neighbours
- I know two or three neighbours
- I know most of my neighbours
- I am an active member of my residential community (always in contact with my neighbours and aware of what is happening in my residential community)
- I don't have any interest on it

Question Title

**\* 21. Would you attend Community Meetings for education purposes regarding avoidance of conflict?**

- Yes
- No
- Maybe

Question Title

**22. If yes, how often?**

- About once a week
- A few times a month
- Once a month
- Every six months

Done