

“UNREGISTERED SUBLET ACCOMMODATION IN
IRELAND, AN ILLEGAL TRAP”

by

RODRIGO RAMÍREZ FIGUEROA

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Lastly, want to express my deepest gratitude to the participants of my research survey "*Foreign Nationals in Ireland & Accommodation*" without whom, I would not have been able to gain the insight that I have about the type of conflicts that often arise for international students e.g. information not being available in the native language, lack of awareness of their rights as tenants and also the rights and responsibilities of landlords. This has also allowed me to identify certain situations in which mediation can play a vital role in de-escalating conflicts, and also help to restore the relationship between tenants and landlords.

ABSTRACT

The principal aim of the present research paper is to assess of the law in relation tenancy issues with focus on subletting as well as to analyse the implications of unregistered tenancies and whether there is a room for mediation in such circumstances.

This dissertation will be conducted throughout a qualitative approach which mechanism of data collection was a survey to a sample of international students in Ireland.

The Foreign Nationals in Ireland & Accommodation Survey sought answers from international students in Ireland. Just 16.58% of respondents to the survey were able to identify and access information on housing and tenant rights on arrival; only 37.31% of respondents were aware of the rights and responsibilities of tenants in Ireland. 88.6% of international students said they would utilize a mediation alternative for solving conflicts if there was one available. The survey will be tested in 5 categories: General Facts, Access & Information Sources, Tenancy Rights & Obligations Understanding, Conflict Experience, Dwelling Characteristics, and Conflict Experience.

Throughout the evolution of the study, it was utilized and explained the concept of *illegal subletting trap* to express an "ambush" catch or a "no-more-option" recourse where foreign students could fall naively in their search of accommodation.

INTRODUCTION

There is a critical dilemma in Dublin City in relation to the housing and accommodation market. Rental prices are absurdly high and, in many situations alleged, the quality of the housing falls below acceptable levels, in some other cases the quality is just precarious, and dangerous.

According to The Irish Times in their publication of the 26th of January 2020, the scale and nature of the Irish housing crisis can be illustrated by five variables considered as follows: 1) House prices vs earnings; 2) Rent vs earnings growth; 3) ESB connections (Electricity Supply Board) per 1,000 people; 4) Aggregate household wealth by component and 5) Spread of rental values from most expensive to cheapest parts of the market. Dublin's rents have risen sharply as well as estate and apartment prices, both of which have increased by 90% and 80% respectively since 2012 while incomes have grown by just 18 per cent (McWilliams and Taylor, 2020).

More recently, in their publication of the 9th of June of 2020, Dublin was found to be the most expensive in terms of the euro region, largely because of high rents, which are now more than EUR 2,000 a month on average in the capital (Burke-Kennedy, 2020).

In reviewing the situation, it was identified another factor -apart from the increase in prices of houses and apartments that consequently impacts on the rise of rent prices, that contributes to the overpricing and low quality of housing available, which is the illegal subletting of vacant spaces (as well as common areas barely adapted as additional bedrooms); meanwhile, the demographic situation in Ireland continues growing; more newcomers in Dublin City will contribute to the demand for accommodation, and as long as people are willing to pay any price to enjoy the virtual benefits of relocating in the Irish capital city, this cycle will persist only perhaps slowed down by the global pandemic of COVID-19.

Subletting rooms (with or without permission from the Landlord) in Dublin City appears to be a common situation described by many international and local students mostly around the city centre

area. In addition to this ongoing situation, there is a lack of information directed to newcomers who arrive in Ireland seeking accommodation (ESL international students and non-English speakers).

It is well known that the number of students moving to Dublin for third-level education as well as for International ELE (English Language Education) has significantly increased in recent years.

According to the EMN (European Migration Network), in 2018, 142,924 people from non-EEA countries were registered as living in Ireland (an increase of 12% or 14,969 on the 2017 figures). The number of non-EEA nationals registered with permission to remain in Ireland (for longer than 90 days) was 142,924 in 2018 (European Migration Network, 2019). The top 5 registered nationalities: 1. Brazil (22,414); 2. India (21,701); 3. China (12,487); 4. USA (10,088); and 5. Pakistan (7,520).

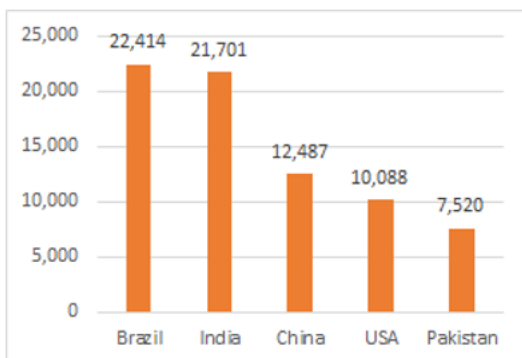


CHART 1. Non-EEA nationals registered to remain in Ireland (EMN, 2018)

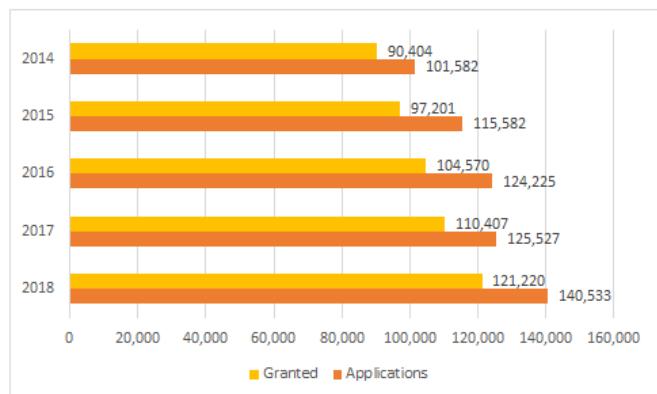


CHART 2. Visa Applications (INIS, 2018)

The INIS Annual Review 2018 for visa applications for a short or long stay in the Republic of Ireland shows an increased volume in line with increases in applications in recent years. They reported 140,533 applications in 2018, a number that represents an increase of almost 12% compared to 2017. Applications had risen by 38% since 2014 when they received just over 100,000 applications. It is expected this upward trend to continue in the coming years.

Most of the rise is due to the improvement in the Irish economy and greater interaction with the rest of the world. In 2018 the number of citizens from non-EU countries legally residing in Ireland rose by almost 11 per cent compared to 2017. There were 127,955 individuals in this group in 2017 and 142,924 in 2018.

Visa applications have also increased dramatically over the past few years. In 2018, there were over

140,500 visa applications, an increase of almost 12% in 2017 (Irish Naturalisation and Immigration Service, 2019).

On the other hand, there is an apparent lack of information amongst international tenants with respect to their rights and the regulations for renting, leasing and/or subletting in Dublin, particularly in those who arrive from abroad without a level of English language that allows them to revise the applicable law and procedures in renting accommodation in Ireland.

Besides the efforts made by agencies and ELS (English language schools) in providing information regarding student accommodation, family house vacancies and general rental market in Ireland, there is a lack of communication regarding the practicality as a source of first-hand information of the Residential Tenancies Board (RTB).

Having this consideration in mind, this paper aims to point out the risk that arises in an illegal sublet accommodation, where in some cases, tenants involved have no rights towards their money paid to a third person having no contract nor direct contact with the landlord; and subsequently landlords not having obligation with these illegal tenants. Unfortunately, under these circumstances, those tenants are losing their deposits and are treated unfairly apart from not having security in their accommodation which is a severe concern from any conceivable viewpoint.

The idea of an *illegal sublet trap* comes precisely from this particular situation in which tenants sublet premises without the authorization from the landlord and without formalizing the process with the inexpert new tenant (relative to a contract of tenancy, receipts for deposit and rent paid for example); if any issue arises under these circumstances regarding the tenancy; the individual (the international student as a cohort) is left in a genuine *limbo* where they cannot complain to the landlord as they are not registered, and the renters (the former tenants who have left the premises to a third one) won't support or provide any security for the current tenant.

The literature review will be assessed in Chapter I from the points of reference on the legal basis of the *Residential Tenancies* in Ireland as well as the scope of the *Residential Tenancies Board* and the

Judicial System, and further contrasts will also be presented on the *Irish Rental Market* and *The Previous Efforts to Address the Accommodation Dilemma*. As for Chapter II, the qualitative methodology will be discussed, taking into consideration ethical considerations and strategies to overcome potential problems. Chapter III presents the findings of data gathered through an online survey that sought responses from international students in Ireland. Chapter IV contains the analysis of the information obtained through the survey divided into five sections: general evidence, housing features, access and sources of information, awareness of rights and obligations on the tenancy field and, finally, conflict experience. Lastly, Chapter V is directed to further discussions connecting the research findings and the information provided by the respondents in the Survey; such discussion will present three main sections: the illegal subletting trap scenario; the minimum standards of premises and how the COVID-19 pandemic will set a precedent in the need for attention in this field, as well as the consideration of mediation as an option for a conflict-solving alternative of those in the so-called trap.

i. Research Questions

2. Are certain international cohorts more exposed to an *illegal subletting trap* and what issues do foreign students face when renting in Ireland regarding access to information in their native language?
1. Do Alternative Dispute Resolution methods have any scope or influence in the area of landlord and tenant beyond the reach of the RTB provisions?

ii. Aims and Objectives

It is vital that tenants and landlords know their rights and obligations, and that there is no question as to what has been agreed from the start of a tenancy; any unregistered tenancy represents limitations in the spectrum of obligations and rights of both the landlord and the unregistered tenant.

This research paper aims to:

- Conduct a critical assessment of the law in relation to landlord and tenant issues, with particular reference to subletting.
- Analyse the implications of an unregistered tenancy when facing challenges with the minimum standards in health and safety in dwellings during the pandemic situation in 2020.
- Analyse whether there is a room for ADR methods that would help tenants in resolving disputes related to unregistered tenancies outside the provisions of the RTB.

In order to fully assess the impact of the *illegal subletting trap*, it will be necessary to consider features such as availability of information regarding tenants' rights and obligations, language as a barrier to effective communication and availability of information to short and long term foreign national students in their mother tongue; additionally, to evaluate what support structures and information centres are available to international students who are renting in Ireland will also be facilitated by the information obtained in the Survey that will be presented later on in the present paper.

iii. Limitations

In this dissertation is focused in a specific scenario which scope is defined by the assumption that accessing to information in diverse languages might help to prevent the proposed illegal sublet trap paradox and whether mediation outside the RTB can benefit.

It is not intended to assume that respondents of the conducted survey who indicated not holding a contract of tenancy nor receiving receipts for either rent or deposit paid are necessarily part of this cohort of naïve unregistered tenants that fall in the hypothesis and object to study in the present research paper, however, for the purposes of the research it would have been necessary to launch a second survey to find out secondary information, unfortunately, with the time frame consumed during this dissertation, it wasn't possible to both, acquire a larger amount of respondents (reason why the focus was set on a specific cohort of international students) and to perform a second survey.

The current pandemic situation contributed to another time/space limitation complicating the

obtention of a more detailed complement of the study through interviews to collect opinions of individuals who had a story to tell in relation to unregistered sublet accommodation.

iv. Hypothesis

International Students who arrive in Ireland mostly for ELS purposes do not know their rights and obligations regarding the rental sector for accommodation leading to an unclear tenancy situation that can end in an *illegal subletting trap*, loss of money and a precarious living situation. Establishing clear and accessible information in various languages can lead to a better understanding on the tenancy rules in Ireland and reduce conflict between tenants and third parties, centres that attract international students to Ireland can be a source of spreading official information in this regard.

CHAPTER I – UNREGISTERED TENANCIES IN IRELAND

In the Republic of Ireland, in contract law, the subletting position is that it is only permitted if it is included in the contract between the landlord and the original tenant. The original tenant may then, at the landlord's notice, sublet.

The RTB portal defines sub-tenancy as follows: “*When a tenant moves out of a dwelling and becomes landlord (in effect) to a new sub-tenant. That tenant must obtain the consent of his or her landlord before creating a sub-tenancy. The tenancy commencement date will be the same date as the date that the original tenancy commenced on*” (RTB, 2020).

All landlords are required to register residential tenancies with the RTB as well as to keep the RTB updated with any further tenancy change. To analyse the impact of unregistered tenancies is a complex consideration, and even more, the perception of foreign national students. For that reason, it is useful to consider the key factors involved, the first of which is the legal basis for residential tenancies in Ireland throughout the 2004 Residential Tenancies Act, as amended; the key element is the scope of application of the Residential Tenancies Board in solving issues; the third element is the judicial system followed by the rental market and, finally, the considerations of some of the previous efforts to address the accommodation dilemma.

I.1 Residential Tenancies: Legal Basis

The legal framework relevant to the tenant-landlord scenario is contained in the *Residential Tenancies Act 2004, as amended*. This Revised Act is an administrative consolidation of the Residential Tenancies Act 2004 with its update of August 2020. The limits on the sub-letting and assigning of tenancy for dwellings are particularly interesting to refer; hence the observation of relevant sections of The Act will be mentioned:

Section 185 references *the obligation to tell the potential sub-tenant about the essence of tenancy* in which:

1. Before the sub-tenancy is made, the tenant who wants to create such sub-tenancy in the interest of a third individual shall inform this third person the creation of the aforementioned sub-tenancy. This also applies for sub-tenancies pursued by an agreement.
2. A person who breaks the compliance of this obligation will be guilty of an offence.
3. In the case of failure in point 1 (Subsection 1) regarding the culmination of the arrangement, the lease alluded to in that paragraph is not enforceable by the occupant (tenant referred to).

In this section is clear the importance of establishing first that the communication to the *potential sub-tenant* which is the crux of such intended tenancy that presumes clarity and transparency in the information as well as the motivation for it to happen.

In **Section 186** is addressed that the tenant can terminate if the assignment or sub-letting consent has been withheld. This section has effect even though the tenancy in question is one for a fixed time and unlike something to the contrary in the lease or rental arrangement in question.

If the landlord declines to agree to the assignment or sub-letting of the tenancy in question by the tenant, the tenant will offer notice of termination in respect of the tenancy and terminate it accordingly.

The period of notice to be specified by the notice of termination is that stated in section 66, or the shorter period of notice that may be negotiated between the owner and the occupant in connection with section 69, even though the lease or rental arrangement allows for a longer period of notice to be provided.

There is an additional special case in sub-letting under **Section 32** (sub-letting of Part 4 tenancy¹) that indicates that “Schedule 1” to the Act has effect in providing protection in relation to a sub-tenancy created out of a Part 4 tenancy or a further Part 4 tenancy. The creation of a sub-tenancy in respect of

¹ Statutory protection “Part 4 tenancy”— after six months occupation. Residential Tenancies Act 2004, as amended, Part 4: Security of Tenure.

part only of the dwelling, the subject of a Part 4 tenancy or a further Part 4 tenancy, is prohibited. Any such sub-tenancy claimed to be formed is invalid.

Greater detail is stated in the five subsections of **Section 38** that deepens into the effect of the assignment of Part 4 tenancy;

1. If a Part 4 tenancy is given by the tenant with the permission of the landlord, the assignment shall be:

a) to a person, other than a sub-tenant of the dwelling concerned, the assignment shall turn the Part 4 tenancy of the dwelling into a *periodic tenancy* of the household and the protection given for the assignor by section 28 shall therefore cease without affecting to the fresh application in respect of the assignee in that section.

b) to a sub-tenant of the dwelling concerned, the protection given for the assignor by section 28 shall cease (without affectation to the continued subsistence of the tenancy of Part 4, as given for in the following subsection).

2. Where the assignment is made to a sub-tenant of the dwelling concerned, the tenancy of Part 4 shall continue to exist (but for the benefit of that person and not of the assignor) for the time of which it would continue to exist if the assignment had not been made and subject to the provisions of this Chapter;

a) The assignee shall become the tenant of the landlord under the tenancy of Part 4.

b) The provisions of the tenancy alluded to in Part 4 shall remain to be those in which the assignor held the tenancy directly before the assignment, until the assignee and the landlord reach agreement to change the tenancy.

c) The sub-tenancy of the assignee of the dwelling shall be combined with the tenancy of Part 4.

3. Subsection 2c does not affect the obligations (if any) of the assignee to the assignor (or vice versa) that have occurred as a result of the sub-tenancy involved.

4. The assignment of a Part 4 tenancy in respect of only part of the dwelling (the subject of the

tenancy) is prohibited.

5. Any other assignment that is alleged to be created is invalid.

In the case of sub-letting tenancies, **Section 70** of the Act indicates the notices of termination; this section applies when the tenancy of the dwelling concerned is the subject of a sub-tenancy, and the landlord under the head-tenancy seeks the termination of the head-tenancy.

Where this provision applies, in addition to compliance with section 62, a notice of termination with respect to the head-tenancy shall specify whether or not the landlord under the head-tenancy allows the head-tenant to terminate the sub-tenancy.

If the petition for termination of the sub-tenancy is set out in that letter, a copy of that letter shall be given to the sub-tenant by the landlord, in addition to being given to the principal-tenant.

Notices of termination then, figure as the way in which the original landlord will terminate the original tenancy and whether the sub-tenancy will also end, in a written letter properly detailed.

The purpose of **Section 81** *tenancies and sub-tenancies* –referral of disputes relating to their termination, is to limit the right of the sub-tenant to refer the dispute to the Board.

1. The object of this section is to restrict, under such cases, the right of the sub-tenant to refer a dispute to the Board concerning the termination of the tenancy from which the sub-tenant emerges and to enable the tenant of that tenancy (under addition to the procedure laid down in Chapter 4 of Part 5) to make a particular inquiry to the sub-tenant before the tenant may be permitted to do so.

2. The landlord must inform the sub-tenant within ten days of termination of tenancy of dispute to be resolved. Sub-tenants must be informed if they intend to refer to the Board for resolution of dispute.

3. The provision is specified in the termination notice required by the landlord to be served by the sub-tenant 's head-tenant.

4. If a sub-tenant fails to satisfy the criteria of subsection 2 during the time defined in that subsection, the sub-tenant does not refer any disagreement involving the termination of the tenancy involved to the Board for resolution.

a) may not meet with the second provision of subsection 2, the tenant does not appeal to the Board any disagreement involving the termination of the tenancy involved or,

b) the occupant does not refer the dispute to the Board for settlement until 15 days after the date of service of the notice concerned referred to in subsection 3.

To **Section 116** is concerned that the determination can require ceasing sub-tenancy in some situations. If the decision of an adjudicator or the Tribunal involves an indication that a dwelling, subject to a tenancy, is terminated by a specified date, the tenancy is one of which a sub-tenancy has been established, and the landlord, after he or she has informed the occupant of the termination of the tenancy, allows the occupant to terminate the sub-tenancy, the decision will be made.

In the second paragraph of **Schedule 1** of the Act on the Protection for Sub-Tenancies Created of Part 4 Tenancies, it is specified that if a sub-tenancy is created from a Part 4 tenancy with the written permission of the landlord, the following protection applies to the sub-tenancy; the security is that sub-tenancy (it does not or may not otherwise) continues to exist for as long as the Part 4 tenancy exists until it is terminated early under the provisions of Part 4 as adapted by this Schedule.

In the fourth paragraph, subparagraph 1 is indicated that as long as the sub-tenancy remains, the head landlord's obligations² are owed to the sub-tenant. With regard to the obligations of the sub-tenant owed to the head landlord, they shall continue to be interpreted as references to the sub-tenancy as long as, according to Part 6, it remains in effect that a conflict between the sub-tenant and the head-landlord over the compliance of the sub-tenant with one or both of those obligations can be referred to the Board for resolution.

I.2 Scope of the Residential Tenancies Board

The RTB is an autonomous body established under the Residential Tenancies Act 2004 (as amended), which helps regulate the Irish rental sector, it provides with information and a platform for mediating

² Such obligations contained in Section 12 paragraphs (a) and (b) of The Act.

resolving conflicts between landlords and tenants as well as the application of the laws set out in the Act., it was created in order to administer a national tenancy registry system and settle conflicts between landlords and tenants.

A landlord and tenant should be aware of their rights and responsibilities before a contract begins, according to the RTB. The suitability of the property has to be checked and determined so that it meets minimum requirements. The deposit should be agreed upon, and a signed and dated document would be received by the landlord and tenant.

Furthermore, the content of such document should be explained, and the rights and obligations of both landlord and occupant should be laid out if a tenancy arrangement is reached, and any information and details that are not considered by the legislation should be registered, such as whether pets are allowed, whether the tenancy is for a fixed time and if so how long, the weather is permitted or not to sublet the house, etc. Copies of the contract should be retained by both sides (Residential Tenancies Board, 2020).

An inventory of the quality and requirements of all the products in the house needs to be established as it would work for most contracts of this kind (leasing). The landlord, as well as the occupant, should sign this. If repairs are required, consensus on the completion of the repairs should be reached mutually. For any agent the landlord has engaged, it is important to obtain the contact details for both the landlord and the contact details.

The RTB suggests a three-month review to revise with the tenant if everything is acceptable so far, and if so, make them sign a document stating that; if a resident mentions a problem and the premises are not harmed, the landlord should resolve it as soon as possible and provide them with regular updates on the efforts being made get it fixed (Residential Tenancies Board, 2020). If a problem arises, tenants have to be sure to promptly alert the landlord.

On the field of termination of the tenancy, the RTB on their webpage mentions that a valid note of termination has to be in writing, signed by the landlord or an authorized agent, give the date on which

the notice is sent, state the grounds for ending the tenancy (if the tenancy has lasted for more than six months or is a fixed term tenancy). *If the tenancy lasts six months or longer, the landlord must use one of the 7 permitted grounds to terminate the tenancy.* Such note of termination has also to offer the date by which the tenant must leave the property and say that the tenant has the full 24 hours to leave the property, additionally, it should state that the tenant has 28 days from the date on which the notice of termination is issued to refer it to the RTB if they have any concerns about its validity or the right of the landlord to give them the notice (RTB, 2020).

What is concerned to mediation; the RTB offers a free service to tenants and landlords who have a dispute with their tenancy; it starts when the RTB receives the dispute and parties have agreed on initiating the mediation process which will be sorted via telephone as it represents a much expeditious proceeding although face to face mediation is also a possibility. In the case of reaching an agreement during the mediation, an agreement will be made, and the mediator will submit a report to the RTB forming with this a legally binding Determination Order which is a document that provides the result of a case and sets out both the terms to be met and the compliance timetable.

I.3 Judicial System in Ireland

In the residential sector, the disputes that arise are more commonly dispatched through Mediation at the RTB; however, in the case of landlord-tenant disputes, once they have attempted to settle each other as a first effort and failing to do so, it can appear that starting a court process is the only way for them to make a definitive conclusion on the matter.

Litigation is a more well-known and conventional method that involves a court, a judge or a jury to settle the different issues, Ireland has jurisdiction under common law. The main sources of law are the Irish Constitution, parliamentary laws, EU law and common law; the Irish higher courts are the High Court, the Court of Appeal and the Supreme Court; they have broad judicial review powers, with authority to invalidate parliamentary legislation on the grounds that it is inconsistent with the

Irish Constitution or EU law. Irish courts will enforce exclusive jurisdiction clauses unless there is a solid reason not to do so. Moreover, most Member States are bound by EU law to enforce these clauses. Ireland has specific responsibilities under the Hague Convention on the Option of the Court of Justice with respect to the Contracting Parties to that Convention (Hurley and O'Connor, 2020).

The final step of the prosecution in the courtroom: the parties shall present their facts and render their legal cases to the Court of Justice. The length of the litigation varies widely and depends on the nature of the problems and the amount of evidence to be presented to the Court (Hurley and O'Connor, 2020).

Litigation as a conflict resolution tool and its benefits for the complainant can vary depending on the nature of the conflict, but some of the most noteworthy are: a) law-based decision; b) the right of appeal; c) degree of predictability; d) open to the public; e) certainty: rules of evidence are strict; f) enforceability (although not at all times/cases).

It is important to bear in mind that the perspective on what can be considered as an advantage or disadvantage depends on the situation, landlord-tenant degree of conflicts and the interests and positions of the parties.

Some immediate disadvantages are: 1) lack of familiarity with the local system and language; 2) long-term procedure due to the nature of the court and available appeals; 3) in the international context, 4) the worsening costs of the prosecution of cases overseas as well as the challenge of dealing with or accepting foreign judgments; 5) deficiency of a specific range of skills and experience in a particular field.

A legal process seems to be less attractive than the RTB mediation tool because of two main factors:

- a. Exposure (public) + Delays in appeal
- b. Cost (expensive) + Time consuming

I.4 The Irish Rental Market

It is apparent from the research that there is a wide scope relating to the issues of renting and subletting; there are many competing interests in the rental market industry: this is a *for-profit* industry which reduces down to the landlord renting to the highest paying tenant which often can result in a bidding war at viewings.

In relation to a publication by The Irish Times, *institutional investors* have been influential in facilitating and financing the development of approximately 5,500 new apartments and houses in Dublin since 2016 (MacDonald, 2020) which highlights the potential and desire for institutional investors to keep growing.

Author Patrick Drudy has examined a relevant number of important issues in this matter in the “Journal of the Statistical and Social Inquiry Society of Ireland Vol. XXXVI” such as the actual viewpoint underlying the Irish housing system; affordability and access problems (in relation to owning a home or renting one in the private rental sector) and what changes, if any, are required to the current philosophy and policy (Drudy, 2006).

The point of view in this journal paper is noteworthy as to the difference between the view of housing as a pure commodity "product" that is sold and purchased on the market following demand and the understanding of the issue of housing in Ireland as a need for people to have a home, recognising that having a community structure based solely on one solution is uncommon, moreover, the point of view of the issue of housing in Ireland.

Many who favour the "market" solution to housing would aim to reduce the role of the state in the direct supply of housing; alternatively, they would claim that the primary position of the state is to encourage the procurement of housing by private developers, to enable fast-track development and re-zoning, and to foster private provision with tax and other incentives, while at the same time bearing the expense of critical services (Drudy, 2006).

Bringing this perspective to the current situation in Dublin at the present time, it seems that it keeps

representing the reality, accompanied by the relatively new concept of rent pressure zones established by the government as an attempt to control some rental areas which have the effect of limiting the number of rental increases per year in certain areas around the Country (RTB, 2020).

I.5 Previous Efforts to Address the Accommodation Dilemma

The studies of the European Migration Network (EMN) provide a comparative overview of issues of asylum in the EU; one of their 2018 studies explore the policy, law and practice of non-EEA higher education students in Ireland (European Migration Network, 2019).

The study was made considering 25 EU Member States being Ireland one of them; it focuses in particular on initiatives to attract and maintain foreign students after graduation. Economic factors have played a key role in many of the Member States that have viewed this as a national policy priority, while some Member States have suggested that attracting foreign students does not play a leading role in their economy, Ireland has reported increasing the economic importance of the foreign education sector as an explicit objective which clarifies its statement and position regarding this report. In various Member States, centralized agencies have been responsible for marketing, such as the state agency 'Enterprise Ireland' which represents all Irish universities, technology institutes and some schools, with a key role to play in promoting international higher education in Ireland.

Given the increasing trend shown in the report in terms of international student mobility to the EU, accommodation is a key factor to consider for international students.

Foreign students must hold an authorisation (visa or residence permit) in order to enter and remain in a Member State; however, the procedure varies: Ireland is one of the seven Member States (Estonia, the Netherlands, Belgium, Spain, Sweden and the Slovak Republic) which do not have a standard rule as to whether a foreign student is allowed to apply for a long-stay visa (European Migration Network, 2019).

An online journal article reviewed data from the Higher Education Authority that indicates around

18,220 foreign students enrolled in Irish universities, technology institutes and colleges in the 2014/15 academic year; the report mentions that international students say they face a multitude of problems, including theft, high rents, and no housing, 30 per cent of international students said they witnessed some kind of fraud while studying in Ireland and three-quarters of the people surveyed who studied in Ireland said that they found accommodation more costly than they planned. Accommodation rates in major Irish cities have grown in popularity with foreign students – Cork, Dublin and Galway the author says. New purpose-built student housing is being constructed at sites throughout the Dublin area; most of those rooms were said to start at €200-€250 per week, (Fitzgerald, 2017).

The International Education Strategy for Ireland 2016-2020 is an initiative launched by the Minister for Education of the country in October 2016 that considered to be a crucial aspect for Ireland's development strategy, and an integral part of the Action Plan Education, the main goal is to raise the economic value of this sector to €2.1 billion per year by 2020, a raise that represents 33%. It indicates that this potential increase can mean more than 37,000 new International Higher Education and English Language Training Students coming to Ireland which could bring the overall number of International Higher Education and ELT students in Ireland to more than 176,000 (Department of Education of Ireland, 2016).

The Irish Council for international students (ICOS) declared its pre-election manifesto in which mentions the important role of international students in the Irish higher education and can be worth up to EUR 2 billion to the Irish economy. ICOS calls on the new government to take a variety of steps that impact many students but may be more acutely felt by international students; infrastructure amongst other topics must be invested in, says ICOS. The new plan for international education expires this year (2020) and focuses mainly on the financial impact of international students. It warns that Ireland's reputation for high-quality education and a warm welcome to foreign tourists is at risk without sufficient investment in services (ICOS, 2020).

As part of the International Education Strategy 2016-2020, amendments have been made to the HE

graduation authorisation scheme which allows graduates from non-EEA countries to have the right to work in Ireland for a period of one year after graduation at level 8 and for a period of two years after graduation at level 9 or above, under the National Qualifications System. These graduates will offer not only language and intercultural awareness skills to their employer but also an important incentive for other workers to communicate in a different language in the workplace. In addition, multilingual individuals living in Ireland who have a home language other than Irish or English, can be a valuable resource in the provision of language skills, especially in combination with other skills needs. (Department of Education and Skills, 2017).

CHAPTER II – DISSERTATION METHODOLOGY

For the purposes of this dissertation, after reviewing the suitability of the various approaches, it will be utilized a qualitative approach; the mechanism of data collection will be mostly focused on a survey realized to a sample of foreign students in Ireland.

II.1 A Qualitative Approach

Qualitative methodology as a concept denotes in a wide significance “that produces descriptive data—people’s own written or spoken words and observable behaviour” (Taylor, Bogdan and DeVault, 2016, p.7), qualitative research is "an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem" (Creswell, Creswell, and Poth, 2018, p.3), it requires to be contextual and flexible; the observations and interpretation presented, as well as the comparisons with the materials examined, such as journal articles and information available from public institutions, contribute to the research background (Bogdan and Taylor, 1975). The data obtained through a survey was analysed and categorized in five key themes examined individually to understand international students’ experiences and insights into the accommodation situation in Ireland, narrow and small-scale research dissertations very commonly report and highlight one main suggestion with brief and secondary attention paid to others, Lofland et al., (2006, p.198) stated: “given the inductive character of qualitative fieldwork analysis, even quite small scale projects can generate, in an undeveloped form, a great many possible propositions early on in the research process”.

This research is focused on ontological and methodological philosophical assumptions (Creswell and Poth, 2018). Ontologically, it means challenging the nature of a certain reality which, in this case, is defined by the nature of Unregistered Tenancies in a structure that accounts for it, but this reality is numerous as seen from many points of view, being the main two actors:

- a. the tenant (considering possible motivations and or unfamiliarity with the residential tenancy system in Ireland to fall in the illegal subletting trap)
- b. the landlord (or housing association)

The examples explored that represent the ramifications of analysis, demonstrate various viewpoints on the subject and set out the groundwork for a further methodological assumption which analysis follows a framework and establishes the language; inductive reasoning, the examination of the subject within its background and the use of an evolving design.

Qualitative analysis approaches are suitable for analysing a determined environment from various viewpoints; it has no intrinsic reliability hierarchy so that the diverse viewpoints result valuable in the interpretation of the situation given its context (Taylor, Bogdan and DeVault, 2016). Particular descriptions are used in the present analysis prior to generalizations; the descriptive and detailed sense of the sample is consistent; in reality, this subject must be continually monitored and updated.

Utilizing a qualitative method approach in this dissertation allows to expect a high yield set of results and a specific collection of first-hand data due to the almost free accessibility to international students through media like Facebook or WhatsApp groups, and other platforms like Instagram and Twitter; it is possible to assume a true representation of the levels of renting/subletting in Ireland with a corresponding true representation of the housing standards and issues facing certain. It is possible to anticipate that these issues face a general collective of international students, but it would not be surprising if they were to affect a certain sector of international students in particular.

A hypothesis may be said to be based on the degree to which it is extracted from and based on the data itself (Taylor, Bogdan and DeVault, 2016); to understand and analyze the proposed affirmation of an illegal trap in unregistered tenancies in Ireland is required a deductive approach where the effects of sublet accommodation in Ireland will be assessed by the impact on students' experience observed in the information obtained via survey launched in September 2020.

Qualitative research has a rare opportunity to concentrate on how people construct their actions in

natural contexts (constructionism) Silverman, D. (2014). The Survey named “Foreign Nationals in Ireland & Accommodation” pursued responses from international students in Ireland to provide first-hand data to understand general evidence such as what cohort of international students abroad would be more vulnerable to have experienced any kind of *landlord-tenant* conflict, evidence regarding general aspects of the dwellings, access and sources of information in the matter of accommodation and a proper record of basic elements such as contract of tenancy and rent payment receipts as well as questions to understand their rights & obligations awareness.

II. 2 Ethical Considerations

During the *observation* stage (survey), the participants (international students) will not be affected in any way, all the necessary elements to protect their identity and confidentiality, as well as prioritization of their dignity, were taken into consideration. Each participant responded to the questions freely and with a previous explanation on the motivations of the study. Such survey was anonymous and properly stated that the form didn't collect any personal data and that such survey was only for academic purposes. The responses collected are anonymized³ through an online platform by Google Forms ([google.com/forms](https://www.google.com/forms)) which have their own statistical data prepared for appropriate analysis and critical consideration.

All communication in relation to this research will be done with honesty and transparency. In order to avoid any type of misleading information or any biased opinion, all the primary data obtained will be carefully screened to ensure that there is no confounding bias.

II. 3 Expectations & Strategies to Overcome Possible Problems

It appears to be, at this vantage point that most of the students who live in Dublin in a shared accommodation premise do not pay their rent directly to the landlord. It also appears that students do

³ All data collected was kept anonymized automatically by the online form server, each response was coded with the following format: *MM/DD/YYYY HH: MM*

not have a contract to live in the rental accommodations that they are presently in. It is possible to believe that most students are interested in finding improvements in their current tenancy situation.

On the one hand, unregistered subletting can be one of the causes of overpriced accommodation premises if it is considered a situation where the original tenant of the dwelling generates an extra income and the more the situation becomes normalized and the potential tenants continue paying high prices while ignoring their rights and obligations as a tenant in Ireland and furthermore without a record of a contract of tenancy nor receipts for deposit and rent paid. On the other hand, if the unregistered tenant pays an equivalent portion of the total rent of the dwelling, but still without knowledge nor authorization from the landlord or housing agency, then the unregistered subletting can contribute to a loss in the chances that the minimum standards for health and safety are met.

As previously stated in the literature review, in general, in contract law the position with respect to subletting is that it is only permitted if it is in the contract between the landlord and the original tenant; the original tenant may then sublet on notice to the landlord. However, as would be apparent, this problem is happening on a regular basis without authorization or warning, such that this analysis would differ from the presumption that subletting is only permitted if it is originally stated in the leasing contract. There are cases where the landlord doesn't know its property (originally let to international tenants) is being sublet without his consent nor previous agreement.

It is understandable that some students may be fearful or afraid to be identified in any study (and this is the reason any questionnaire will be anonymised and completed through an online platform by Google Forms ([google.com/forms](https://www.google.com/forms))). It is expected that this will provide the necessary safeguards to protect people's identities and let them tell their responses.

CHAPTER III – PRESENTATION OF THE DATA

III. 1 The Survey

The survey called "Foreign Nationals in Ireland & Accommodation" was the primary method chosen to collect answers from international students in Ireland and provides first-hand data to understand and show general evidence, such as which cohort of international students abroad would be more vulnerable to any kind of conflict, i.e. conflict with a landlord, evidence on general aspects of housing, access and information sources; the data generated by the survey is numerical and can be statistically analysed on averages and patterns.

In the context of simplifying such knowledge about a population, sample surveys may be informative and analytical as the survey helps make comparisons to uncover differences and shape or validate theories about the reasons for these differences (Bhattacharjee, 2012). To identify the (ss) sample size [ss=($Z^2 * (p) * (1-p) / C^2$)] to utilize, it was observed a (C) confidence interval of 7.05% (margin of error); (Z) confidence level of 95%, and as a result, the sample size is 193 considering an unknown (p) population zone and estimating for 100,000; finally, to standardize the data collection, all the entrances through Google Forms were extracted in an Excel document in order to maximize the reliability and accuracy of the data.

III. 2 Considerations & Structure

Feasibility was one of the considerations in the determination of the use of a survey as a tool to obtain data; the accessibility for the potential respondents to ensure participation. Regarding accuracy, it was set and asked to respond by international students only, it didn't represent a cost, and the speed in the obtention of information was optimum considering 193 responses collected along 27 days; administratively, the management of the information is on Microsoft Excel, and Google Forms statistical figures, online surveys allow for more in-depth information to be collected.

III. 3 Behaviour of the Results

The survey conducted contained 27 questions that helped to understand the general opinions of the targeted cohort of international students abroad; such online sample obtained an optimum participation that provided this research with 5,211 answers that came from the 193 respondents.

The results were ordered in five sections, as follows:

III.3.1 Section 1 - General Evidence Results

General Evidence: gender; age range in four categories <18, 18-24, 25-32 and >33; nationality, native language, level of English language upon arrival, the reason of residence in Ireland with categories such as: English language student, ≤2nd level student, 3rd level student, work purposes/job seeking and a field for an alternative answer, length of residence in Ireland in three categories <1 year, 1-2 years and >3 years; and finally what county in Ireland where they are residing in.

The survey shows that out of the 193 respondents 59.59% were female; 39.9% male and 0.51% preferred not to say; respecting the age range 107 were between 25 and 32 years old, 52 older than 33 and 34 in between 18 and 24 years old; no respondents recorded under the age of 18.

Q1. GENDER	Responses	%
Female	115	59.59
Male	77	39.90
Other	0	0
Prefer not to say	1	0.51
Total:	193	100

CHART 3. Q1 Gender

Q2. AGE RANGE	Responses	%
< 18	0	0
18 – 24	34	17.62
25 – 32	107	55.44
> 33	52	26.94
Total:	193	100

CHART 4. Q2 Age Range

In question 3, *What country are you national of?* A range of 6 possible answers including *Brazil, India, China, Mexico* and *Pakistan* were considered as well as a field for **Others* from which were obtained countries such as *Italy, France, Ireland, Costa Rica, Panama, Chile, Argentina, Martinique, Uruguay, Spain, USA* and *El Salvador*.

Q3. NATIONALITY	Responses	%
Brazil	96	49.74
Mexico	67	34.72
India	4	2.07
Italy*	3	1.55
France*	3	1.55
Ireland*	3	1.55
Costa Rica*	2	1.04
Panama*	2	1.04
Chile*	2	1.04
China	2	1.04
Argentina*	2	1.04
Martinique*	2	1.04
Uruguay*	1	0.52
Spain*	1	0.52
Pakistan	1	0.52
USA*	1	0.52
El Salvador*	1	0.52
Total:	193	100

CHART 5. Q3 Nationality

Q4. MOTHER TONGUE	Responses	%
Portuguese	96	49.74
Spanish	77	39.90
French*	6	3.11
English*	3	1.55
Italian*	3	1.55
Hindi	2	1.04
Telugu*	2	1.04
Mandarin	2	1.04
Urdu	1	0.52
Tagalog*	1	0.52
Total:	193	100

CHART 6. Q4 Mother Tongue

Chart 6 illustrates the consequent aspect of general information obtained after nationality which is the native language of the respondents which included possible options *Portuguese, Hindi, Mandarin, Spanish, Urdu, Arabic* and a field for **Other* responses that resulted into the representation of mother tongues such as *French, English, Italian, Telugu* and *Tagalog*; no responses for the *Arabic* language were recorded.

As for the next question on the level of English spoken at the time of arrival in Ireland, the answers were classified into four categories: Beginner, Intermediate, Advanced and Native Speaker with the following results:

Q5. ENGLISH LANGUAGE UPON ARRIVAL	Responses	%
Intermediate	77	39.90
Advanced	72	37.31
Beginner	40	20.73
Native Speaker	4	2.07
Total:	193	100

CHART 7. Q5 English Language Level Upon Arrival

Question number six collected data on the key reason for moving to Ireland, where 193 respondents were given four possible options and a field for further answers that would better reflect their motivation, as a result of which *Marriage, Citizen* and *Stamp 4* were further important reactions.

Q6. REASON OF RESIDENCE	Responses	%
English language Student	92	47.67
3rd level student	52	26.94
Work / Job Seeking	39	20.21
Marriage*	4	2.07
≤2nd level student	3	1.55
Citizen*	2	1.04
Stamp 4*	1	0.52
Total:	193	100

CHART 8. Q6 Reason of Residence in Ireland

Q7. LENGHT OF RESIDENCE	Responses	%
≥3	87	45.08
1-2 years	68	35.23
<1 year	38	19.69
Total:	193	100

CHART 9. Q7 Length of time Residing in Ireland

For the following question number seven, about the length of time residing in Ireland, the results obtained are presented in chart 9 according to the three categories selected of which 45.08% indicated a period equal or greater than three years; 35.23% has lived in Ireland between one and two years, and finally, a 19.69% indicated to have resided in Ireland for less than a year up until now.

While the drafting of Question 8 was underway, it was thought that the four most populous counties in Ireland: Dublin, Galway, Cork and Limerick could provide answers, although no answers were obtained from either Galway or Cork.

Q8. PLACE OF RESIDENCE	Responses	%
Dublin	191	98.96
Wicklow	1	0.52
Limerick	1	0.52
Total:	193	100

CHART 10. Q8 Place of Residence in Ireland

III.3.2 Section 2 – Residence Generals

Dwelling Features: with regard to the general aspects of the type of residences, the survey explored whether the respondent’s dwelling was a house, apartment, student accommodation as well as asked their tenancy status in the household (alone or shared) and an option for other responses, the length of time residing there <3 months, 4-6 months, 6-12 months, >1 year, the total number of occupants in the residence, the number of bedrooms and bathrooms and a final appreciation of the general conditions of the premises in a 1-4 scale being 1 very good and 4 very poor conditions.

In the aim to understand and explore the type of residence and the predilection to lease on their own or doing it shared, question 9 obtained the following participation:

Q9. TYPE OF DWELLING	Responses	%
House – Shared	94	48.70
Apartment – Shared	79	40.93
Apartment – Living Alone	12	6.22
House – Living Alone	4	2.07
Student Accommodation – Shared	2	1.04
Student Accommodation – Living Alone	2	1.04
Total:	193	100

CHART 11. Q9 Type of Dwelling

For the purpose of understanding the patterns of length of time that international students follow in terms of time residing in their current accommodation, question 10 obtained in four categories the subsequent totals:

Q10. LENGTH OF RESIDENCE IN THE CURRENT DWELLING	Responses	%
>1 year	84	43.52
6-12 months	44	22.80
4-6 months	38	19.69
<3 months	27	13.99
Total:	193	100

CHART 12. Q10 Length of Residence at the Current Dwelling

Another important factor to take into account is the number of occupants living in the same dwelling; if we consider the total of occupants indicated per dwelling individual who responded to this question

(assuming that all of them would live in different accommodations and none of the respondents were tenants of the same dwelling) we can account hypothetical averages such as 4.9 occupants per dwelling; 2.94 bedrooms per residence and 1.77 bathrooms.

Q11. NUMBER OF OCCUPANTS		
	Responses	%
4	52	26.94
2	29	15.03
5	28	14.51
3	25	12.95
6	16	8.29
7	12	6.22
1	7	3.63
12	6	3.11
9	5	2.59
10	4	2.07
8	2	1.04
11	2	1.04
20	1	0.52
18	1	0.52
15	1	0.52
22	1	0.52
13	1	0.52
Total:	193	100

CHART 13. Q11 Number of Occupants of the Dwelling

Q12. NUMBER OF BEDROOMS		
	Responses	%
2	59	30.57
3	44	22.80
1	34	17.62
4	32	16.58
5	11	5.70
6	6	3.11
7	4	2.07
8	2	1.04
21	1	0.52
Total:	193	100

CHART 14. Q12 Number of Bedrooms

Q13. NUMBER OF BATHROOMS		
	Responses	%
1	99	51.30
2	68	35.23
3	16	8.29
4	4	2.07
5	3	1.55
7	1	0.52
15	1	0.52
6	1	0.52
Total:	193	100

CHART 15. Q13 Number of Bathrooms

The following query was intended to gain the impression of the respondents as to the conditions of premises on a scale of 4 categories, from very good conditions in one extreme to very bad conditions in the other:

Q14. GENERAL CONDITIONS OF THE DWELLING		
	Responses	%
Good condition	109	56.48
Very good condition	49	25.39
Poor condition	29	15.03
Very poor condition	6	3.11
Total:	193	100

CHART 16. Q14 General Conditions of the Dwelling

III.3.3 Section 3 – Availability of Information

Access and Sources of Information: this section of questions in the survey aimed to obtain: a) the source of information regarding accommodation in Ireland before arrival, b) availability of such information in their native language, c) knowledge regarding accommodation and tenancy rights upon arrival, d) clarity and quality of information and d) need of information in their native language housing / rent / sublet / accommodation in Ireland.

As to the source of information for international students in relation to accommodation in Ireland prior to arrival, options have been taken for such sources as *Friends / Facebook, Agency, Web / Apps, School / College, No information at all* or *Others* from which *Citizen's Information, YouTube* and *Family Members living in Ireland* have been collected.

Q15. SOURCE OF INFORMATION REGARDING ACCOMMODATION PRIOR ARRIVAL		
	Responses	%
Friends/Facebook (Facebook Groups etc.)	92	47.67
Agency	38	19.69
Web/Apps (Rent.ie, Daft.ie, etc.)	28	14.51
School/College	20	10.36
No information available at all	11	5.70
I had a familiar living here already*	2	1.04
YouTube*	1	0.52
Citizen's Information*	1	0.52
Total:	193	100

CHART 17. Q15 Source of Accommodation Information Prior Arrival

As a result, in question 16, the availability of such information in the mother tongue of the respondent demonstrated that the majority indicated that it was not available:

Q16. AVAILABILITY OF INFORMATION IN FOREIGN LANGUAGE		
	Responses	%
No	103	53.37
Yes	63	32.64
Not sure	27	13.99
Total:	193	100

CHART 18. Q16 Availability of Information in Foreign Languages

In addition to general sources of information on accommodation, it was important to know whether the respondent had access to information on the rights of tenants upon arrival in Ireland.

Q17. AVAILABILITY OF INFORMATION REGARDING TENANCY RIGHTS ON ARRIVAL	Responses	%
No, <u>none at all.</u>	117	60.62
No, I looked for information myself	44	22.80
Yes, by my educational institution	15	7.77
Yes, other	11	5.70
Yes, by Immigration (INIS)	4	2.07
Yes, in the Airport	2	1.04
Total:	193	100

CHART 19. Q17 Availability of Information of Tenancy Rights on Arrival

International students' perception of the clarity and quality of information on accommodation and the rights of tenants has been sought on a scale of three categories, *Unclear*, *Satisfied* and *Unhappy*.

Q18. CLARITY AND QUALITY OF THE INFORMATION AVAILABLE	Responses	%
Unclear	107	55.44
Satisfied	58	30.05
Unhappy	28	14.51
Total:	193	100

CHART 20. Q18 Clarity and Quality of Available Information

One of the objectives of this dissertation is to analyse the perception of international students abroad as to the need for information in their mother tongue in the areas of housing / rent / sublet / accommodation in Ireland, which was specifically asked for a closed *yes / no* answer in the survey.

Q19. DO YOU FEEL THE NEED FOR INFORMATION IN YOUR MOTHER LANGUAGE REGARDING HOUSING/RENT/SUBLET/ACCOMMODATION IN IRELAND?	Responses	%
Yes	114	59.07
No	79	40.93
Total:	193	100

CHART 21. Q19 Need for Information of Housing and Sublet in Foreign Languages

III.3.4 Section 4 – Rights and Obligations Survey Results

Rights & Obligations Awareness: The information collected in this section was intended to show whether the respondents knew in question 20: their rights and responsibilities as tenants, by means of question 21 whether they had tenancy contracts, question 22 was answered in respect of receipts for the deposit and rent paid in question 23; elements which may be considered necessary for any tenancy contract. In addition, question 24 asked recognition of the presence of the Residential Tenancies Board. The results for questions 20-23 are summarized in the following table:

	<i>YES</i>	<i>%</i>	<i>NO</i>	<i>%</i>
Q20. TENANT'S RIGHTS & OBLIGATIONS AWARENESS	72	37.31	121	62.69
Q21. CONTRACT OF TENANCY	86	44.56	107	55.44
Q22. DEPOSIT PAID RECEIPT	53	27.46	140	72.54
Q23. RENT PAID RECEIPT	40	20.73	153	79.27

CHART 22. Q20-Q23 Rights and Obligations Awareness; Contract of Tenancy; Deposit & Rent Paid Receipts

On average, the answer *Yes* was selected for just over 32% of the 193 respondents whether the answer *No* represented the majority with 67.49%.

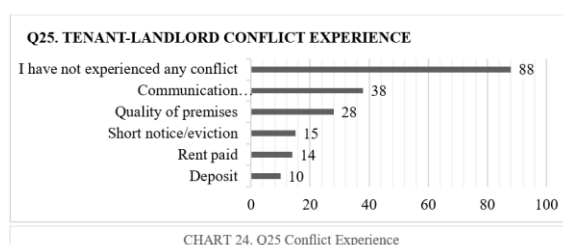
In question 24, there is a third possible alternative to Yes / No answer where the respondent has been given the opportunity to indicate a partial awareness of the RTB, and the following table shows the participation:

Q24. DO YOU KNOW ABOUT THE RESIDENTIAL TENANCIES BOARD (RTB)?	Responses	%
No	116	60.10
Yes	42	21.76
I have heard of it, but I don't know what it is	35	18.13
Total:	193	100

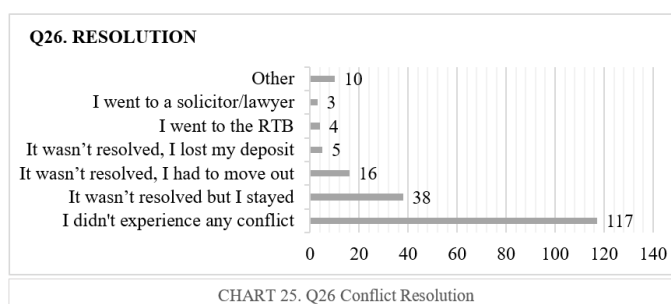
CHART 23. Q24 Knowledge of the RTB

III.3.5 Section 5 – Conflict Experience and Resolution

Conflict Experience & Resolution: attempting to obtain a broad view on the experience of the respondents related to any kind of *landlord-tenant conflict*, question number 24 obtained responses through multiple options between the quality of premises, deposit, rent paid; short notice/eviction, communication conflict with either the landlord, housing agency or another tenant; that question led to the following wondering how was it resolved?, the possible options wanted were: a)it wasn't resolved, and they lost their deposit; b)it wasn't resolved, they had to move out; c) it wasn't resolved, but they stayed; d)they went to a solicitor/lawyer and e)they went to the RTB, this question also contained the possibility to leave any other possible answers that would describe better their response.



The vast majority of respondents (54.4 per cent) indicated that they had experienced conflicts related to either the communication landlord / agent-tenant; the quality of the premises; the short notice / deposit; the rent paid or the deposit paid and not returned, although just over 45 per cent reported that they had not faced any issue during their tenancy in Ireland. Regarding the resolution, 19.69% indicated that the conflict wasn't resolved, but the respondent decided to stay in the dwelling. Only 2.07% went to the RTB.



About the last question [Q27. *In the Event of a Conflict of this Matter, Would You (Tenant) Use a Mediation Service if Available?*] of this survey 171 respondents out of the 193 that represent the total indicated *Yes*; only 22 negative responses were obtained.

CHAPTER IV - SURVEY ANALYSIS

The survey called *Foreign Nationals in Ireland & Accommodation* sought answers from international students in Ireland to provide first-hand data to understand general evidence, such as which cohort of international students abroad would be more vulnerable to any kind of *tenant-landlord* conflict, evidence on general aspects of housing, access and information; the survey will be appreciated from 5 categories:

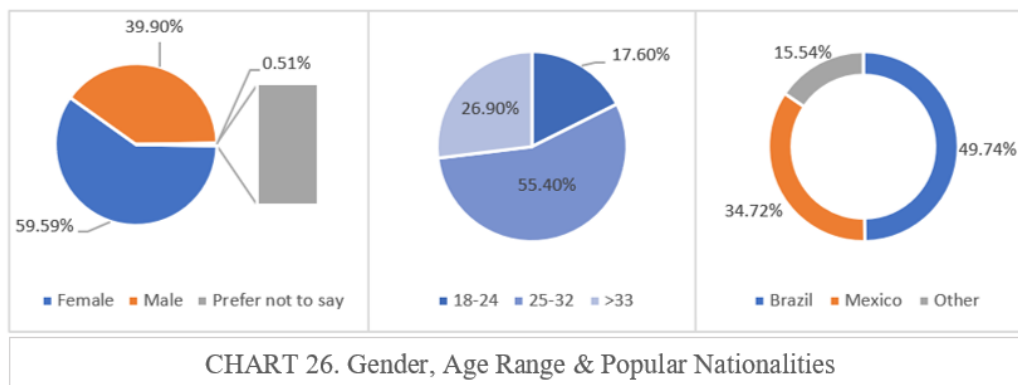
1. General Evidence
2. Dwelling Features
3. Access and Sources of Information
4. Rights & Obligations Awareness
5. Conflict Experience

How do international students find their way into the housing sector in Ireland? Accommodation is particularly complex from distance and language barriers; however, 16.58% of survey respondents were able to recognize and access information on housing and tenant rights on arrival; 54.65% of them indicated that their *friends* and *Facebook* were the main sources of information. Nevertheless, if we compare the figures from their awareness of the rights and obligations of tenants in Ireland, only 37.31% of respondents were aware of them. Specific reference to the figures relating to *Part III.4 Rights & Obligations Awareness* in view of the tendency of the responses reflecting a lack of familiarity with rights and obligations, the holding and control of the tenancy contracts, as well as deposit and rent paid receipts.

IV.1 General Evidence

The survey targeted 193 responses from international students living in Ireland, with Brazil and Mexico accounting for the majority of their country of origin, 49.74% and 34.72% respectively.

Interesting responses were obtained regarding the nationalities of the participants where Italy, France and Ireland obtained a participation of 3 responses for each of the 1.55%; countries of origin such as Costa Rica, Panama, Chile, Argentina and Martinique obtained two responses equivalent to the 1.04% of each in the total participation of the survey; Uruguay, Spain, USA and El Salvador were another four countries that had on representant in the survey collaborating with a 0.52% to the total per answer.



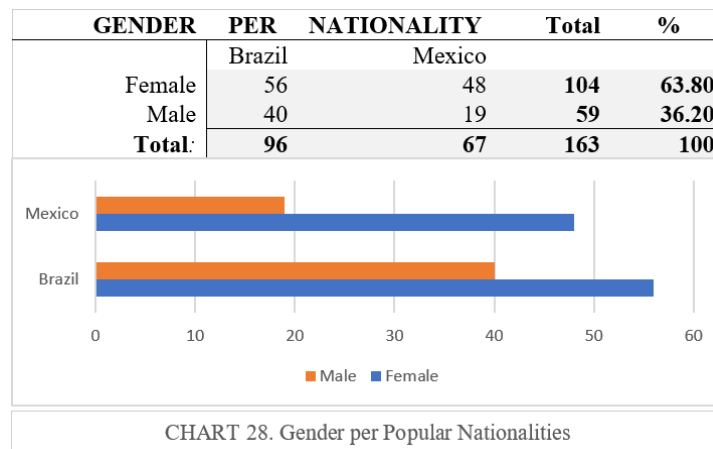
The predominant representation of female students was 59.59 per cent, and the age range was between 25 and 32 years, with 55.44 per cent of the responses being the most voted in the survey; if both figures, gender and age range are combined, the results are observed with the proportion of the given options for gender and the three age ranges that make up the responses.

	<i>AGE RANGE</i>	<i>PER</i>	<i>GENDER</i>	
	> 33	18 - 24	25 - 32	<i>Total</i>
Female	29	16	70	115
Male	22	18	37	77
Other	0	0	0	0
Prefer not to say	1	0	0	1
Total	52	34	107	193

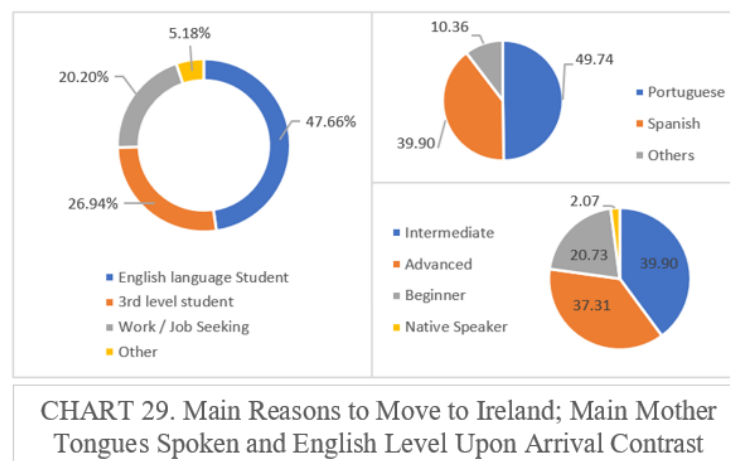
CHART 27. Age Range per Gender

As a result, it can be argued that most of the respondents were females between the ages of 25 and 32, mainly from Brazil and Mexico. Given these two main countries of origin from the respondents, the two most popular languages indicated as a mother tongue was Portuguese and Spanish with 49.74% and 39.90% of the responses respectively.

Combining in a dynamic table both *gender* and *Brazil/Mexico*, the two nationalities that obtained the 84.45% of the responses, we can observe the detailed information as follows:



With regard to the native language of those foreign students studied, this is consistent with the trend of nationality; 49,74 per cent for Portuguese, 39,9 per cent for Spanish speakers and 10,36 per cent for other languages.



It was obtained that most of the respondents indicated *intermediate* and *advanced* as their English level upon arrival, which then implies that 77.21 per cent of them would not represent a portion of foreign students unable to handle the language barrier as strongly as the remaining 20.73 per cent, which indicated *beginner* level as their best description of their English language knowledge.

The most popular answer to the question about their motivation to come to Ireland was that 47.66% were English language students, followed by 26.94% who indicated their incentives were third-level studies.

In the field of ELS in Ireland, the Beginner’s level can also be understood as the category for A1 and A2 according to the Common European Framework of Reference for Languages (Council of Europe, 2020); a person at the A1 level of English language is described by the CEFR –in terms of listening, speaking, reading and writing skills, is described as able to understand everyday expressions and basic phrases as well as able to participate in basic factual conversations, being able to introduce themselves and others, go to a shop where goods are on display and ask what they want, understand simple information from a pen pal and write simple messages and particularly, this level is associated with the capacity of interacting in a simple conversational way where the other person talks slowly and clearly and willing to help.

Level A2 mentions that the students in this category are able to comprehend sentences and commonly used phrases related to areas of most immediate interest, can interact in simple and routine tasks involving simple and direct transfer of ideas on familiar and routine matters, can explain aspects of their context, immediate environment and issues in areas of immediate need in simple terms.

The third-level of studies in Ireland consists of a wide range of organizations –such as colleges of education, universities, technology institutions and other colleges) both public and private.

The process of finding accommodation to let in a foreign country can be seen as a specialized task that is not necessarily part of the context for what international students with an early level of English language might find easy to understand and deal with; with a language barrier to understanding rights and obligations of tenancy and the operativity of a housing situation in a new country, theres no surprise in realizing the difficulty to fully understand the formal implications in a process that for other students might result easier.

It is credible that the process to adapting to a foreign environment in which international students submerge themselves is an adaptation challenge, for some might take longer than for others, it is possible to have a broad idea about

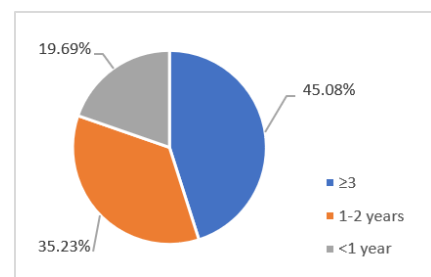
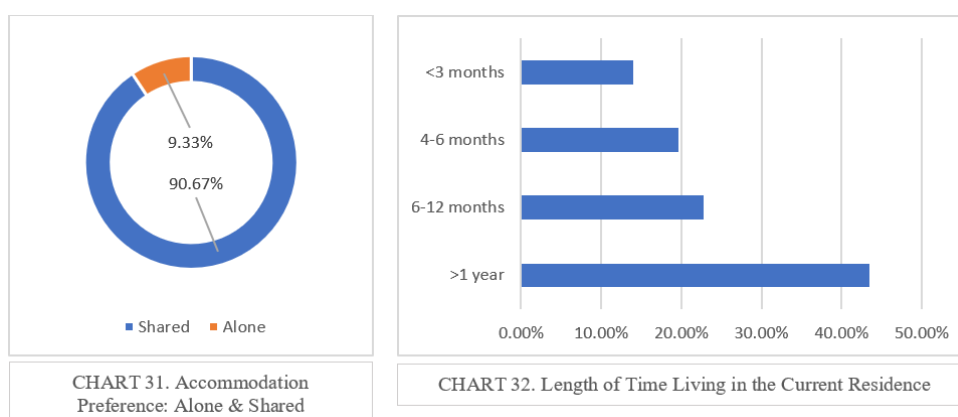


CHART 30. Length of Time Living in Ireland – Adaptation to a Foreign Environment

the feeling from the respondents of the survey by observing the length of time residing in Ireland in which 45.08% represented the majority indicating more or equal to three years, and the tendency of the exact location was mostly oriented to county Dublin with a 98.96% of the participation. So in this respect, it is possible to infer that the 19.69% who indicated less than a year residing in Ireland can fall into the least acclimated than the majority of the respondents who have lived in the country longer. Of that minority, 73.68% indicated ELS as their reason for moving abroad, and only 39.28% indicated a *Beginner's* level of English language upon arrival, this is equivalent to 11 out of the 193 respondents in real numbers, for the effects of this research considering this particular scenario listed, it only represents the 5.69% of the report.

IV.2 Dwelling Features

In order to understand the general conditions of the accommodation where international students play the role of tenants, we observe that the vast majority lives in shared accommodation, only 9.33% of the respondents indicated to live alone in either a house, apartment or student accommodation facility. With regard to the length of time residing in the dwelling where they are tenants, 43.52% of the population surveyed has been living in the same residence for more than a year.



The survey also found that the most common answer was that the total number of occupants per dwelling was 4, but some interesting responses suggested up to 22 residents in one dwelling. The majority suggested 2 or 3 bedrooms per dwelling and 1 and 2 bathrooms per home, which is no surprise given the average accommodation available to international students residing in Dublin.

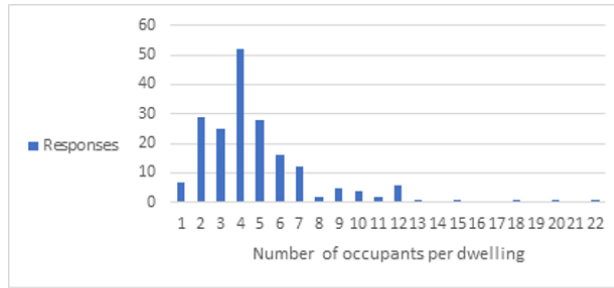


CHART 33. Occupants per Residence

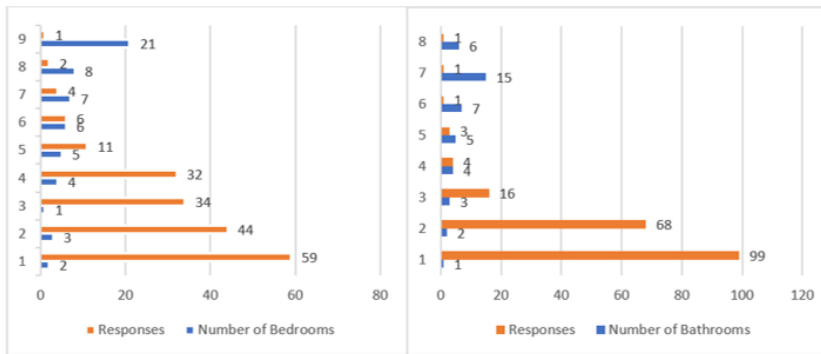


CHART 34. Number of Bedrooms and Bathrooms Contrasts

The more it costs to repair, replace, or correct, the greater the importance of considering the impact on the value of the condition of a dwelling. Weakened truss systems, mouldy interiors (walls, rooms, ceilings, etc.), sagging, leaky or deteriorated roof, ageing water heater, water distribution pump, septic system, inadequate electrical voltage, defective or damaged major appliances, deteriorating, cracked, dented or rotted siding or stucco, the list of poor or very poor condition configurations in the residence, the list of configurations of a poor or very poor condition in a residence may include items such as windows, carpeting, landscape drainage and more.

It is also important to note that the individual perception of housing conditions may vary depending on the standards and expertise of each respondent, but the results show that most of the international students surveyed categorize their accommodation as good or very good in terms of conditions, and only 15% identify poor conditions and a minimum of 3% indicated very poor conditions.

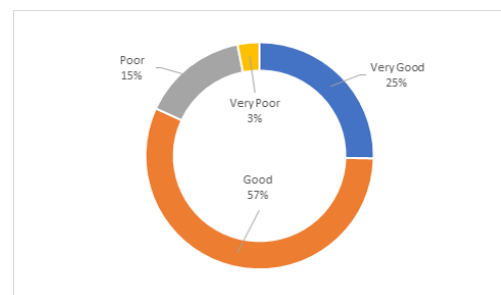


CHART 35. Perception on Premises' Conditions

IV.3 Access and Sources of Information

This section focuses on the appreciation of respondents with regard to sources and access to accommodation information upon arrival in Ireland, the sources of information are highly relevant not only in the scenario subject of research in the current dissertation but also in everyday life, which includes making decisions in fields where the person may not be an expert; however, it seems that the common responses in the survey just reflect the lack of official sources research and little study effort before moving into Ireland as well as a trend to identify as unclear the information available.

A 5.7% of the respondents indicated they didn't find any source of information at all about accommodation and only a 0.52% indicated that the main source was Citizen's Information⁴, the two most popular answers suggested that the preference for the respondents to obtain information from *Friends & Facebook* was 47.67% and 19.69% from *International Student Agencies*; we can say then that this main sources of information are impacting on the student's experience living abroad.

These two answers are equal to 67.36 per cent of the responses obtained, of which 47.7 per cent reported that they did not find such information available in their native language, while 38.46 per cent of those who received information through *Friends & Facebook* and *International Student Agencies* indicated that they had access to it in their

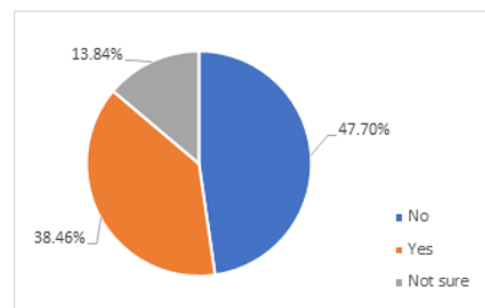


CHART 36. Availability of Information in foreign languages for Q15. F&F and Agencies figures

mother tongue (this portion indicated Spanish, Portuguese and French as their mother tongue).

The survey provided that 60.62% of the respondents did not find available any kind of information regarding accommodation and tenancy rights upon arrival, which means that they could not find, were not given or were not aware of any information on housing and tenancy, one of the most important matters of moving to another country with a different language, culture and rules –after

⁴ The Citizens Information Board is a statutory body in Ireland that facilitates the supply of information in English and Gaeilge, advice and assistance on a wide range of public and social services some of which include an entire section named *Moving to Ireland* providing utile information before moving to the country (Citizens Information Board, 2020).

having sorted the main motivation for moving countries, of course, it also means that this vast majority didn't consider to look information for themselves nor obtained information from their colleges or immigration, or any other source as the other 39.38% assured.

69.95% of the responses on how easy to understand and the value of the information available indicated that it was unclear, and they were unhappy with their perception of the quality of it; subsequently 59.07% of the respondents said that it was needed clear and worthy information available in their mother tongues.

IV.4 Rights & Obligations Awareness

This section describes the behavioural trends of international students with regard to their general awareness of the tenancy environment, the majority of them indicated not acknowledging their rights and obligations as a tenant in Ireland, not holding nor knowing about their contracts of tenancy in their current residence, a situation that can lead to suppose that those respondents that don't know about the existence of the contract of tenancy might not even be registered as a tenant with the RTB and therefore have absolutely no tenancy rights, it is possible to observe that the majority of the negative responses scored over the positive ones including those regarding not having received any receipts of rent paid nor deposits.

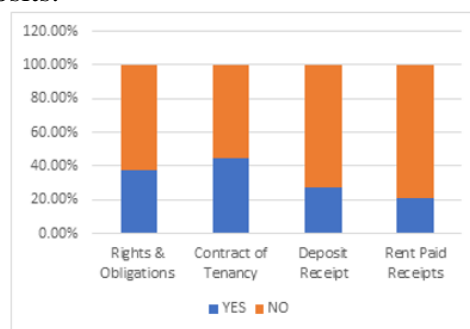


CHART 37. General Knowledge of the Tenancy Environment in Ireland

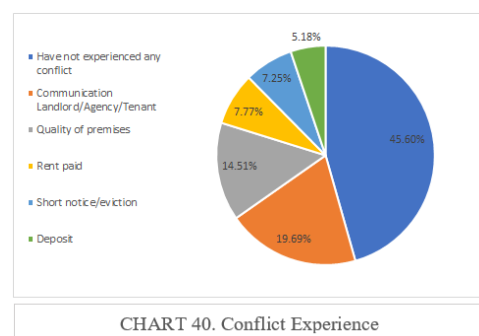
From these statistics is possible to discern that is consistent amongst the international students surveyed to ignore the mechanism of the accommodation system in Ireland but most importantly

reflects a lack of intention or preparation prior arrival but most likely an ineffective source of information; 50% of respondents who indicated they were not provided with any information regarding tenancy rights upon arrival also indicated that the main sources of preliminary information before arrival was through *Friends* and *Facebook*. Websites and apps in the field of accommodation represented the 16.7%, an equal percentage of those respondents who indicated that were not provided with information on arrival went to the option of School/College as a source of advice in the matter of residence in Ireland, it is possible to think in the various ways that colleges and universities as well as English language school in their aim to attract students, they develop programs that include accommodation advise and in many cases “first accommodations” that typically work through local home residences with local families that aim to help the student in their transition and acclimation in the new country, then the importance of such centres for being sources of information for newcomers is crucial.

It is not surprising that, given the high rate of students who are unaware of their rights and obligations as tenants in Ireland, they are also unaware of the existence of the RTB; however 21.76% of the respondents that does know about it and just over 18% that indicated to have heard about it but not being sure what functions does it have. Nonetheless, this situation requires further attention given the opportunities for the schools, agencies and colleges to observe the area of opportunity in the diffusion of first-hand information needed.

IV.5 Conflict Experience

Given the information obtained at this point, is not hard to consider that students that are not obtaining first-hand information regarding accommodation as well as tenancy rights and obligations, are more exposed to experience conflicts in the tenant-landlord field, however, 45.6% of the



respondents indicated they had not experienced any conflict.

From the 54.4% that mentioned, in chart 40, to have experienced conflicts of tenancy, communication conflict represents the majority with 19.69% followed by the quality on-premises, rent paid issues, short notice/eviction and lastly conflicts related to the deposit.

Conflicts of communication either towards the landlord or agency or with another tenant can be considered then to be the most common situation in which international students consider that bad communication has been found to often result in misunderstandings and disputes in their tenancy experience abroad.

The conflicts about the quality of the residence are of 14.51 per cent of the responses collected, the second most common response in the area of conflict experience.

By signing the lease agreement, both owners and tenants shall obtain rights and responsibilities that follow a peaceful coexistence between them before, during and at the end of the contract. Under this contract, the "initial deposit" is defined as the sum of money that serves as a promise to the owner in the event that the tenant fails to comply with the obligations indicated, the 5.18% of the surveyed students indicated to have experienced conflicts regarding the deposit paid.

Finally, in this chart 40 is observed as well that 7.77% of the respondents mentioned having suffered a conflict regarding rent paid which is not surprising given the high percentages in the responses regarding holding receipts for rent paid.

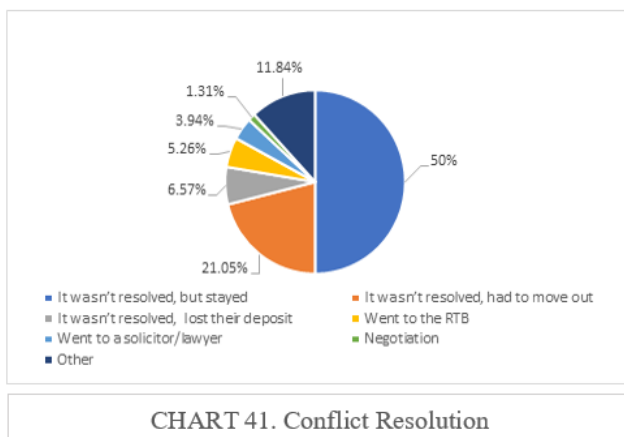


Chart 41 illustrates the consequence of the conflicts experienced and how they were resolved if so, 50% of the respondents indicated that even though their conflict was not resolved, they decided to stay in the premises which indicates that the tenant affected absorbed whatever outcome provoked the conflict, but their need for

the accommodation persisted over the unsolved conflict per se; in second place of frequency, the conflict was not resolved, and the tenant had to move out and leave the dwelling, this response is equivalent to the 21.05% of the surveyed international students.

As a general rule, this deposit is equal to one month's rent, but it can be increased if there are no mandatory requirements to formalize it in the contract. In most cases, this deposit is returned to the tenant after the end of the lease. However, the cases in which the conflict didn't get to a resolution, and the tenant lost his or her deposit is just over 6% of the responses obtained.

The way of resolving the conflict via the RTB was the response of the 5.26% of the respondents which can also be seen as the percentage of individuals who, motivated for an issue in their tenancy were able to manage and find an alternative in the Board.

Just under 4% of the sample population of the survey answered that their best description for the way in which their conflict was resolved fell in the need for a lawyer or solicitor to help and seek resolution.

Finally, only 1.31% of the respondents indicated that it was negotiation which helped them to come in a resolution for their conflict, *negotiation* exists since human beings are grouped into different social groups and the need to face diverse opinions becomes an exercise of power to get what one wants from others; typically one would win whereas the other(s) would lose, in order to obtain a mutual gain among the parties the principled approach suggest mutual gains. Principled negotiation is a practical method focused on conflict resolution and the way the negotiator manages to obtain an effective "win-win" scheme based on fair standards where the interests of the parties are the focus. (Fisher, Ury & Patton, 2011).

If we take a tenancy conflict to exemplify this and observe about the possible options to solve it, generally two options can be seen, either winning or losing. For the tenant, winning suggests a hard approach where there is a lack of trust in the landlord; the tenant issues offer and presses the negotiation to obtain the deposit back. Regarding the losing position shows a soft approach to

negotiation in which one of the participants is most likely to be condescending towards the other to avoid a possible problem, the soft negotiator will show trust towards the other party, and the goal is an agreement (Fisher, Ury & Patton, 2011).

Finally, when the international students were asked whether they would utilize a mediation alternative for solving conflicts if there was one available 88.6% replied affirmatively; this response is crucial in the present research paper given the opportunity to acknowledge the openness of the international students that are aware of the propensity for a conflict to arise and depart from there to propose alternatives that could be of assistance in conflict-solving issues arising from cases where the RTB cannot operate only once the parties have agreed to mediate, for example. In mediation, disputants enlist a professional, impartial third party to help achieve consensus. A competent mediator, rather than implementing a solution, allows disputants to discuss the concerns motivating their situations.

CHAPTER V – DISCUSSION

V.1 The *Illegal Subletting Trap* Scenario

Living abroad as a student is definitely a challenging situation with constant issues arising in many aspects of the daily life that requires the student to research prior arrival for information regarding not only academic details and processes but also for accommodation and a glance to the general housing situation would perhaps contribute to generating a rather clear scenario before submerging into unknown terrains.

Along with the present dissertation, it has been explored that the way in which international students find their way into settling in a foreign country; the transition of moving countries with the motivation of realizing either language studies, second or third level studies and other qualifications in Ireland, portrays difficulties per se, most of which the English language level of understanding represent a challenge, more especially to the cohort integrated by English Language Students.

The reports from the EMN (European Migration Network) show the increased volumes of newcomers in Ireland over the years mainly attributed to an improvement in the Irish economy and greater global participation than before.

If we concentrate the attention in the larger group of respondents of the survey that indicated that the reason for residing in Ireland was to study English language (47.67%) –from which 30.43% appointed their level of English language upon arrival was of Beginner's, is possible then to observe that this cohort is more likely to be exposed to an *illegal subletting trap* (without discarding that this could also occur in the other portion of the foreign students surveyed).

We can also say that acting in good faith when renting a residence is not enough if there's a lack of understanding of the rights and obligations as a tenant, and more broadly a lack of understanding of the housing sector in a foreign country. But how is this cohort likely to fall into an illegal subletting trap? The whole concept of it can be summarized as follows: assume a dwelling that has one or more

legal tenants (registered landlord, registered tenancy, full contract of tenancy signed, etc.) but such tenant(s) manage to sublet (either partially or totally) such dwelling without authorization or knowledge of the landlord; now, who would be the naïve individual to fall into this scenario? Is there a chance that those who fall might not have any prior experience in sublet accommodation at all followed by a lack of understanding not only of the housing system and the laws in a new country but also of the language? The survey showed that the main source of information before moving to Ireland was from the *Friends* and *Facebook* media, and the least used source was *Citizens Information*; it also revealed that 60.62% of respondents did not know any source of information available on arrival regarding tenancy rights.

Then, if we add to the increased demand for short-term (less than six months) and medium-term (from 6 to 12 months) accommodation due to the rise in the number of newcomers, it is not difficult to allocate this particular cohort of students in a vulnerable position.

For instance, whatever is the intention of the original tenant(s) that perpetrates the trap (either for pure help to share the total amount of rent into a larger number of occupants to diminish the economic participation of such tenant(s) or to in fact generate an income) represents an offense according to the Section 185 of the Residential Tenancies Act 2004, as amended, revised in Chapter I part I.1 because we are still departing from the fact that it wasn't informed and authorized by the landlord. This circumstance leads to an immediate non-existence of rights and protections for unregistered tenants who consent to this illegal sublet operation.

Consequently, if any issue arises under this example of unregistered tenancy, the options to reach some sort of resolution are much more limited for the illegal tenant. The survey submitted in the present research paper has shown that 54.4% of the respondents have experienced some kind of conflict (communication with the landlord or with another tenant, quality in the premises, short notice or eviction, rent or deposit paid) which speaks for the propensity of a conflict to arise in general in the field of tenancy from the experience of actual international students living abroad in Ireland.

Paradoxically, in 50% of the cases, respondents who experienced conflict decided to stay in the premise and continue with the tenancy independently from having reached a resolution or not.

In this context, is possible to analyze as well that such scenario attracts some other side effects, one of them is the perception of the quality of accommodation offer in the rental market in Dublin when contrasted with the prices of rent paid; the illegal subletting of vacant spaces as well as common areas barely adapted as additional bedrooms add to a faster deterioration of the functionality of the areas a residence.

V.2 Minimum Standards of Premises & The COVID-19 Pandemic

The research study throughout the Survey results indicates that over 60% of the respondents do not know about the Residential Tenancies Board (RTB) or their rights and obligations as tenants, it reflects that there are even fewer chances for those students to ignore the minimum standards set out in the legislation.

A tenant can take a case against their landlord in relation to the standard and maintenance of the premise, some of the minimum standards in relation to the *Statutory Instrument No. 137/2019 of the Housing Regulations 2019 (Standards For Rented Houses)* of the Irish Statute Book include that the property must be free of damp and in good structural repair, hot and cold water must be available; all rooms must have sufficient ventilation and heating to be managed by the tenant(s); access to a fire blanket and fire alarm system must be provided; cooking facilities, food storage and laundry facilities, including a 4-ring hob, oven, refrigerator and freezer or fridge / freezer and microwave have to be provided; in terms of safety, emergency lighting, fire and carbon monoxide detectors and alarms amongst others (RTB, 2020).

Just over 18 per cent of the foreign students surveyed suggested that their impression of the quality of the premises was either on poor or very poor conditions.

In this order of ideas is possible to say that some of the implications of unregistered tenancies affect

on the efficiency of the minimum standards for operation and safety at the premises (ventilation, fire safety, heating, damp, etc.) especially when we contrast the responses of the number of occupants per dwelling and number of bedrooms; for example, if we consider only the answers of people that indicated to live in a three-bedroom residence, it is possible to observe some responses affirming that they can be occupied for up to 12 inhabitants (for either houses or apartments).

Concerns were expressed according to a survey conducted by the Irish Council for International Students (ICOS) published on the 13th of May 2020 about the fact that less than a quarter of the respondents reported having their own bedroom in their household, with more than 40% reporting that they share a room with three or more persons *“Many international students are experiencing overcrowded living situations and are worried they will not be able to pay their rent because of the COVID-19 pandemic”*. Their Executive Director, Sarah Lennon, stated: *“Overcrowding in accommodation creates problems not just in relation to COVID-19 but also in terms of accessing online classes and overall privacy and well-being. International students have expressed concerns about their ability to self-isolate if a roommate becomes infected. We are asking the National Public Health Emergency Team (NPHE), the Minister for Health and the Minister for Housing, Planning and Local Government to ensure access to testing, effective contact tracing and proper accommodation arrangements to address the health needs of those in overcrowded accommodation.”* (ICOS, 2020). The impact that the proposed *illegal subletting trap* presumes can be foreseen after reviewing these statements, not only from a legal but also from a health and safety point of view; the challenge is to highlight those dwellings hosting more individuals than what the premise is able to host in proper safe and healthy conditions.

V.3 The RTB and Alternative Options to Conflict Solving

At the outset, it could be considered the need to raise awareness of the issues and provide some reassurances for international students who are innocent purchasers for value (in contract law) – the

real crux of the work is to assess whether mediation outside the RTB could provide a remedy for those students who are facing specific tenancy conflicts such as retaining or conditioning the devolution of their deposits by finding a replacement (another naïve future non-registered tenant) or giving a time limit to leave and finding alternative accommodation, or whether there may be some residual legal rights available to them to enforce the contract and to provide them with a stability factor.

The RTB platform for disputes works through an application that can be made by registered landlords and all tenants and third parties⁵, understanding *all tenants* as proper legal tenants even if the tenancy is registered or not but not to those under the supposed *illegal sublet* accommodation. Such application can be made online or by mail filling up a form that can be posted; the complainant can choose from adjudication or mediation to solve their conflict, according to the RTB, 95% of their current cases are through adjudication and only 5% through mediation.

In relation to the expertise in dispute resolution cases, the RTB advises landlords and tenants to address issues early and to maintain communication open; they point out that is helpful to follow up any argument that might arise with a letter about what has been said or decided; if the issue can not be settled, the RTB will then provide conflict resolution services. According to their online web page, in 2016, the most frequent problems in dispute were rent arrears and over holding an invalid notice of termination which represented the 23% of all cases (RTB, 2020).

However, there are some categories of landlord-tenant conflict cases where the RTB do not have jurisdiction such as disputes where the landlord also lives in the residence, a tenant v tenant dispute or in cases where a tenancy never came into existence, for mentioning some.

Negotiation under certain circumstances could represent a possibility looking beyond the reach of the RTB provisions for any scope of Alternative Dispute Resolution methods that could benefit those individuals in unregistered subletting scenarios where conflict arises –this method was indeed

⁵ Third parties affected by the failure of the landlord to fulfil the obligations of the tenant (e.g. another tenant or neighbour affected).

mentioned in the optional answer to question 25 from the survey with a participation equivalent to the 1.31%, where the respondent indicated that the conflict he or she experienced was solved through negotiation, further investigation on particular cases would be needed first to assess the feasibility of this process. It is worth to highlight the 88.6% of the respondents who indicated that, in the event of a conflict, they would be interested in using *mediation* as a method to help to resolve issues in their tenancies if available.

Nevertheless, in order for the landlord to cooperate, it would first have to evaluate the framework in which he / she discovers that his / her premises have been illegally sublet and that his / her intention is to continue with such a tenancy and his / her willingness to listen to the claims of the unregistered subtenant(s).

Referring the case of an illegal sublet trap to a professional, independent mediator could offer confidentiality and perhaps look like a possible alternative since the landlord would find out that the tenancy object had been illegally sublet, assuming that the claimant had absorbed the cost of the process but most importantly that the landlord accepts to mediate. Mediation, as a process in which mediator is appointed to facilitate in reaching an agreement through negotiation and active communication, may result attractive to be used as a conflict solving alternative for some cases.

CONCLUSIONS

The present research paper aimed for assessing the law in relation to subletting from which section 185 of the Residential Tenancies Act 2004, as amended sets out the process to understand the establishment of a legal sub-tenancy, it refers to the obligation to tell the potential sub-tenant about the essence of tenancy pointing out that before the sub-tenancy is made, a tenant that wishes to create it in the interest of a third individual shall inform this third-person of the creation of the above-mentioned sub-tenancy, a situation that also applies to agreements that intend to create sub-tenancies. At this stage we are departing from a point where the landlord knows of the interest of its tenant of creating such sub-tenancy, once clarified the proper way in which sub-tenancies can be created in Ireland, is possible to think that the tenants who participate in the creation of an illegal sublet operation through the so-called *sublet trap* are guilty of an offence, additionally, in section 186 is addressed that if the landlord declines to agree with the assignment or sub-letting of the tenancy in question, it has to terminate it accordingly. Then, is it really a *trap*? Well, throughout the evolution of the research I discovered that it was accurate to conceptualize an “ambush” catch or a “*no-more-option*” recourse where the international students may fall in their naivety while looking for accommodation.

We can conclude then that from a legal perspective, an operation of subletting without formalization is not permitted by law and creates an offense from the original tenant. The implications of unregistered tenancies can work affecting minimum standards in health and safety in a pandemic situation due to overcrowded dwellings that signify a latent conflict in addressing the health needs of such individuals. However, this pandemic situation is in many ways a challenge to rethink and observe the compliance of the rules for subletting and for tenancy in general.

In regard to the room for mediation as an alternative method that would help tenants in resolving conflicts originated in an unregistered tenancy outside the provisions of the RTB.

The survey results were significant mostly to address the generalities of the suspected cohort of international students abroad that could be mainly affected by any kind of conflict related to their tenancies as well as to understand that, in the context of this study, it appeared to be a large lack of knowledge about official sources of information as well as a poor understanding of their rights and obligations in the tenancy field in Ireland, their general perception of the need for information in their foreign languages is clearly that of an actual need. It is important that tenants and landlords know their rights and responsibilities, and there is no doubt what has been decided from the beginning of a tenancy.

The importance of this study is perhaps that can be taken as a first attempt to deep in the illegal subletting issue that is commonly commented amongst the international students and possibly raise further and deeper research to propose actions that can lead to prevent and abolish the issue.

Finally, important to mention that international students need to be properly informed about the functioning of the accommodation process in Ireland, they all have something in common and it is precisely that their motivation to come to Ireland is mainly to study; colleges, universities and schools (particularly ELS) play an important role in providing official first-hand information in their mother languages.

As a consequence of that, it would be recommended to contact the relevant housing agencies: Threshold and the Rental Tenancies Board and seek their assistance with respect to statistics to conduct a qualitative assessment of the situation with a view to proposing a solution to assist international students. Subletting rooms (with or without permission from the landlord) in Dublin City tend to be a common situation defined by many foreign students. Thus, the need for interviews of those who came along to share stories would be recommended for a further continuation of this research so that making visible those stories may help to educate newcomers as well as conducting a second survey that includes more specific questions such as whether the respondent acknowledges residing in Dublin under an unregistered tenancy.

REFLECTIONS

During the beginning of the process of selecting the topic of the present dissertation there was confusion regarding the most adequate focus on the topic given the appreciation from which was modeled; however, the help from lecturers opened my eyes into considerations of performing an online survey (with a consideration of interviews as well) thank to the early observations on the issue among acquaintances.

Such considerations of further research needed given the time limitations found throughout the development of the research and the survey results, I consider that realizing the existence of areas of opportunity to enrich the study is also a great learning.

At a personal level, this process of research has impacted positively mainly from increasing the level of confidence as a postgraduate student in studying in a foreign language as well as the acquisition of research skills (mainly time-management wise), this was primarily accomplished by resolving uncertainty and engaging openly with primary data sources – participants of the sampling community. This was mainly achieved through overcoming insecurity and communicating with primary data sources – members of the sampling group in a confident manner.

Throughout this study, I found new ideas that nurtured my perception of the problem proposed as "illegal sublet trap" and raised curiosity in knowing the reasons why international students living in Ireland agree to pay high rent prices in unclear conditions (from a formal point of view).

Working throughout this research with the help and supervision of my mentor, not only facilitated the process of creating this research paper but also made me grow as a student and as a person to accept constructive criticism and rethink ideas in less confusing ways, as well as gaining more confidence in carrying out more studies in English.

Finally, I would like to reflect as well about the value of conducting a dissertation in the middle of uncertain times worldwide, if the pandemic situation doesn't help us to reinvent the way we are

interacting with the world, it will teach us then that we as species are more vulnerable than we think. I trust in the will power we human beings have to adapt and overcome difficult situations, we have to be kind to others and show mercy, this dissertation opened my eyes to demonstrate myself that it is possible to go forward if the intention stays put.

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APPENDIX 1 – SURVEY QUESTIONNAIRE

SURVEY

1. Gender:
 - Male
 - Female
 - Prefer not to say
 - Other:
2. Age Range:
 - < 18
 - 18 - 24
 - 25 - 32
 - > 33
3. What country are you a national of?
 - Brazil
 - India
 - China
 - Mexico
 - Pakistan
 - Other:
4. What is your mother tongue?
 - Portuguese
 - Hindi
 - Mandarin
 - Spanish
 - Urdu
 - Arabic
 - Other:
5. Time living in Ireland:
 - <1 year
 - 1-2 years
 - ≥3
6. Reason of residency in Ireland:
 - English language Student
 - ≤2nd level student
 - 3rd level student
 - Work / Job Seeking
 - Other:
7. Level of English language upon arrival:
 - Beginner
 - Intermediate
 - Advanced
 - Native Speaker
8. Place of Residence in Ireland:
 - Dublin
 - Cork
 - Limerick
 - Galway
 - Other:
9. What type of accommodation do you live in?
 - House – Living Alone
 - House – Shared
 - Apartment – Living Alone
 - Apartment – Shared
 - Student Accommodation – Living Alone
 - Student Accommodation – Shared
 - Other:
10. Length of time residing there:
 - <3 months
 - 4-6 months
 - 6-12 months
 - >1 year
11. Number of bedrooms in your current accommodation:

12. Total number of occupants in the residence:

13. Number of bathrooms:

14. General condition of the accommodation:
 - Very good condition
 - Good condition
 - Poor condition
 - Very poor condition
15. Do you have a contract of tenancy?
 - Yes
 - No
16. Did you receive a receipt for the deposit?
 - Yes
 - No

17. Do you receive receipts for the rent paid?

Yes
No

18. Have you experienced any kind of landlord/tenant conflict regarding:

Quality of premises
Deposit
Rent paid
Short notice/eviction
Communication Landlord/Agency/Tenant
I have not experienced any conflict
Other:

19. If you answered yes to the above question, how was it resolved?

It wasn't resolved, I lost my deposit
It wasn't resolved, I had to move out
It wasn't resolved but I stayed
I went to a solicitor/lawyer
I went to the RTB
I didn't experience any conflict
Other:

20. Do you know about the Residential Tenancies Board (RTB)?

Yes
No
I have heard of it, but I don't know what it is

21. What was your source for information regarding accommodation in Ireland before arriving?

Agency
School/College
Friends/Facebook (Facebook Groups etc)
Web/Apps (Rent.ie, Daft.ie, etc)
No information available at all
Other:

22. Was the information available in your mother tongue?

Yes
No
Not sure

23. How did you find the clarity and quality of the information available prior to coming to Ireland?

Satisfied
Unclear
Unhappy

24. Upon your arrival in Ireland, were you provided with any information regarding your accommodation and tenancy rights in Ireland?

Yes, by my educational institution
Yes, by Immigration (INIS)
Yes, in the Airport
Yes, other
No, none at all
No, I looked for information myself

25. Are you aware of your rights and obligations as a tenant in Ireland?

Yes
No

26. Do you feel the need for information in your mother language regarding housing/rent/sublet/accommodation in Ireland?

Yes
No

27. In the event of a conflict, would you use a mediation service as a tenant if available?

Yes
No