

The Law Society of NUI Galway

IN COLLABORATION WITH DRAMSOC

are proud to present the

The Intervarsity

Mediation Competition



LAW SOCIETY

National University of Ireland Galway
13th of March 2021

Sponsored by Matheson

Event:

Mediation Competition

Date:

13/03/2021

Location:

Virtual (Information to follow)

Adjudicators:

TBD.

Topic:

Landlord/Tenant Dispute

Eligibility & Teams:

This is a solo event and as such no teams are permitted to enter. All undergraduates from relevant institutions are eligible.

Awards:

2 Winners will be announced awarding a commemorative plaque and a 100-euro cash prize.

Deadline for Entry:

Please complete the Google Registration form by 6pm before Friday the 5th of March. <https://forms.gle/gKy3buQ1x9EwvgJZ8>

Release:

The event will be streamed on twitch to commemorate the event and for competitors and spectators to show support. By entering you are agreeing to your image being used in this manner. Details of where the photographs and streaming can be accessed will be released closer to the event.

Further Information:

This event is sponsored by Matheson and hosted by the Law Society in NUI Galway in collaboration with our friends at DramSoc.

If you require any further information or clarification, please do not hesitate to contact Conventions Director Matthew Mulrooney at m.mulrooney2@nuigalway.ie

Structure:

Each entrant will have 30 minutes in order to mediate the case. Scoring will be left solely to the judge's discretion. The event will begin at 9.30am with a welcome, and the competition beginning immediately after. Each entrant will mediate once. There will be two actors playing the parties.

Full details of the online structure and access to virtual platforms will be sent upon close of applications on March 5th. Zoom will be the main competition platform; the event will be managed from Discord where the zoom link will be given when it is your turn to mediate and it will be streamed live on Twitch.

A schedule will also be posted in Discord in the days prior to the competition.

Background to the Case:

Focus:

Landlord/Tenant dispute.

Parties:

Mr John Gallagher – Landlord

Ms Caroline Lynch – Tenant

Personal Background:

John Gallagher is a 55-year-old man and has a good public job in the planning department of the Dublin County Council earning a gross figure of 65,000. John has a modest 3 bed home in Naas. Unfortunately, John was widowed in July 2019 due to an unfortunate accident. The insurance thankfully paid for his wife's funeral cost and the remaining balance on the mortgage of his Naas home. He has two grown children each living in Australia and Canada.

In the absence of a second income and considering his own mortgage is now paid, John decides to invest the remainder of his wife's insurance money into a buy to let property allowing him to put down a significant deposit on a property in Ballsbridge Dublin. The remainder of the property was financed through a 20-year fixed rate mortgage equalling average monthly payments of 1,700 euro. Considering John no longer is liable for the mortgage payments of 745 euro a month on his family home he believes this was a great investment when looked at conjointly with the rental income he is likely to receive.

On advice of his realtor John puts the 4-bed rental property on the market for 2,500 euro a month. The property is snapped up and John receives a one-month security deposit with the lease commencing on January first.

Caroline Lynch is a 36-year-old single mother of a 5-year-old child and has a relatively good job as a food and beverage manager in a small city hotel that brings in a salary of 32,000 euro per year. Caroline receives additional income in the form of child support from her child's father of 350 euro per month and 146 euro in children's allowance. Caroline's Ex works as a bouncer in the city's nightclubs. Caroline has qualified for HAP at the full rate of 1,250 per month as an Adult with a child, Caroline has weekly council payments of 120 euro in relation to HAP.

Caroline moves into John's rental property in Ballsbridge on January 1st, 2020, with rental benefits she pays 1,770 a month of the full 2,500. HAP will only pay the maximum of 1,250 and Caroline is responsible for paying the remainder of 1,250 on the first of each month in advance. Caroline pays the full 2,500 in rental deposit. Caroline is lucky that her parents are able to mind her child while she is working and as such has no childcare costs.

Overview:

In March 2020, the Covid-19 pandemic reached Ireland and caused a total shutdown sending the economy spiralling back into recession. Due to this Caroline was placed on unpaid furlough until the 2-week lockdown is lifted. Caroline tides herself over by claiming her 3 weeks holiday pay during this time and is due back in work a week after the lockdown has lifted. Unfortunately, the lockdown does not lift until June and Caroline is forced to avail of the Pandemic Unemployment Payment (PUP) when her 3-week holidays pass. However, in June her employer informs her that due to an uncertain future and a dramatic drop in tourism for the summer period they are forced to let her go. The hotel is not in a position to retain a full-time food and beverage manager. Caroline manages her finances as best as she can and makes rent in full for the months of April and May. She is unable to find any more work like many others and because of her child's father's profession, his income is also reduced to that of the PUP meaning child support payments are now only 50 euro a month. Children's allowance is unchanged. Since June, Caroline has been unable to pay the balance after HAP of 1,250 to John.

John was contacted by Caroline in May about her financial situation, John like many landlords understood her circumstances and tried to do well by her by offering to absorb the balance owed for 2 months so she can get back on her feet and find a job. However, it is now October and Caroline has not made any additional payments since full rent ceased in June. He has tried to approach her on many occasions, but Caroline has become evasive out of her of losing her home and when he does get in contact he is met with brisk hollow promises.

John is unable to afford the mortgage and maintain his own living with the new property and rental taxes in the absence of the full rental income, he has fallen into arrears on the loan and now his mortgage break has expired. John is starting to get anxious and depressed as his arrears get closer to 3 months. He begs Caroline to leave so he may find a tenant, but she refused to do so. John is unable to afford a solicitor and is reluctant to take on the financial strain of doing so and as a last ditch effort he manages to persuade Caroline to agree to mediation in order to come to an amicable solution.

Mediation:

It is now November and you meeting with John and Caroline in order to mediate the dispute.