

Notice to be served to the Residential Tenancies Board (RTB) under section 19(5B) of the Residential Tenancies Act 2004 (as amended)

Notice of Exemption from RPZ Rent Restriction

Landlords should read the Important Note at the end of this document before completing this form.

Rent increases in Rent Pressure Zones (RPZs) cannot exceed:

- (i) general inflation as recorded in the All-Items Harmonised Index of Consumer Prices (HICP) in relation to Ireland and as published on www.rtb.ie; or
- (ii) a 2% per annum pro rata increase, where HICP inflation is higher.

The rules above are subject to any exemption that applies to the dwelling subject to tenancy (see below).

The RTB provides a Rent Pressure Zone Calculator to calculate the maximum permissible rent increase (if any), with reference to any inflation recorded by HICP and the 2% per annum pro rata cap. The RTB displays a table with the HICP values that inform the calculations made by its calculator on www.rtb.ie.

Landlords must use this form to notify the RTB of any RPZ rent exemption that they wish to rely on (Part E of this form refers). If a landlord wishes to rely on an exemption, he or she must fill out this form and attach all supporting information required (see below). The form and supporting information must be sent to the RTB at the postal or email address provided (see details for service) within one month of the setting of the rent under the tenancy (*rent is set either at the start of a tenancy or on the date the notice of rent review is served*).

Details for service:

RTB Address: PO Box 47, Clonakilty, County Cork

RTB Email: registrations@rtb.ie

Part A - Rented Dwelling

1. RT Number:
(Registered Tenancy Number)

2. Address of Dwelling
Subject to Tenancy:

Eircode:

Part B - Tenancy Details

3. Tenancy commencement date:

/ /

Part C - Landlord /Authorised Agent

4. Landlord's/Authorised Agent's name:

5. Landlord's/Authorised Agent's contact details:

Part D - Rent

6. Previous rent amount:
(if applicable)

€

7. Date previous rent set*:
(if applicable)

/ /

8. New rent amount:

€

9. Date new rent set*:

/ /

***Note:** The date the rent is "set" is either the date the tenancy commenced or the date the relevant notice of rent review was served on the tenant(s).

Part E - Details of RPZ Exemption Relied On

10. Rent for the dwelling subject to tenancy is not restricted in accordance with the Rent Pressure Zone Calculator where one of the exemptions below applies.

A landlord must tick the exemption relied on.

a. Exemption 1 – No Tenancy in the Previous Two Years

No tenancy of the dwelling subject to tenancy existed during the 2 years immediately preceding the date on which the current tenancy commenced.

OR

b. Exemption 2 – New Tenancy and Protected Structure

The tenancy relates to a dwelling in a protected structure or proposed protected structure within the meaning of the Planning and Development Act 2000 or to a dwelling that is such a structure and no tenancy of that dwelling existed during the 12 months immediately prior to the current tenancy commencing.

OR

c. Exemption 3 – Works: Substantial Change in the Nature of the Accommodation

In the period since the rent was last set under a tenancy for the dwelling, the following works were carried out that resulted in a substantial change in the nature of the accommodation and as a result, the market rent for the tenancy is greater. This exemption does **not** apply where **such works solely consist of works carried out to comply with a landlord's obligation under section 12 (1)(b) of the Residential Tenancies Act 2004, including to meet the minimum standards for residential rented accommodation.**

A "substantial change in the nature of the accommodation" will only have taken place if the work identified at (a), (b) or (c) below have been carried out.

If applicable, the landlord must tick the exemption relied on.

(a) Permanent extension

Works were carried out that consist of a permanent extension to the dwelling subject to tenancy that increased the floor area (within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997)) of the dwelling by an amount equal to not less than 25% of the floor area of the dwelling subject to tenancy as it stood immediately before the commencement of those works.

OR

(b) Building Energy Rating improved by 7 or more

In the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, works that resulted in the BER (within the meaning of those Regulations) being improved by not less than 7 building energy ratings.

Part E - Details of RPZ Exemption Relied On *(continued)*

OR

(c) Other works as required below

Works were carried out to the dwelling subject to tenancy that resulted in any 3 or more of the following (please tick as appropriate):

The internal layout of the dwelling being permanently altered;

The dwelling being adapted to provide for access and use by a person with a disability, within the meaning of the **Disability Act 2005**;

A permanent increase in the number of rooms in the dwelling;

In the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (**S.I. No. 243 of 2012**) apply and that has a BER of D1 or lower, the BER (within the meaning of those Regulations) being improved by **not less than 3 building energy ratings**;

In the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (**S.I. No. 243 of 2012**) apply and that has a BER of C3 or higher, the BER (within the meaning of those Regulations) being improved **by not less than 2 building energy ratings**.

I, , confirm that the works carried out and identified by the boxes ticked under the exemptions above, do not solely consist of works carried out for the purposes of complying with a landlord's obligations under 12(1)(b) of the Residential Tenancies Act 2004, as amended, including to meet the minimum standards for residential rental accommodation.

(If applicable, tick the box provided to confirm).

Part F - Required Documentation

11. Landlords must provide documents that support the exemption relied upon in Part E above. This may include for example, the old and new BER certificates or a letter of certification confirming the nature of any structural changes from an architect, chartered surveyor, chartered engineer and any related planning permission.

Landlords must list the supporting documents relied upon below and attach them to this notice.

(a)

(b)

(c)

(d)

(e)

(f)

(g)

Landlords should add a separate sheet to this notice if not enough space is provided.

Part G - Declaration of the Landlord

12. I seek to rely on section 19(5) of the Residential Tenancies Act 2004 which, in my opinion, dis-applies the RPZ rent increase restriction in respect of the dwelling concerned for the reason(s) ticked above and in accordance with the supporting information that I provide with this notice to the RTB.
13. I declare that all the information that I have given in this notice is correct.

Signature:

[To be signed by the landlord]

or

Signature:

[To be signed by authorised agent]

Name:

in BLOCK CAPITALS

[Insert Name in BLOCK CAPITALS]

Date signed & served

/ /

IMPORTANT NOTE

Rent Reviews and Rent Pressure Zones (RPZs)

Please see the RTB website for further information and assistance in relation to rent reviews in RPZs (www.rtb.ie) including a Rent Pressure Zone calculator to calculate the maximum permissible rent increase (if any) for a particular dwelling.

Offences

A person will be guilty of an offence under the Residential Tenancies Act 2004 where the person:

- a) fails to comply with the RPZ rent increase restrictions (Section 19(4) and (6A) **the Residential Tenancies Act 2004** refers);
- b) fails to comply with the requirement to serve the RTB with the prescribed Notice of Exemption from the RPZ rent restriction and supporting documents within one month of the setting of the rent (Sections 19(5B) and (6C) of the **Residential Tenancies Act 2004** refers);
- c) includes information in or with the prescribed Notice of Exemption from the RPZ rent restriction knowing it to be false or misleading in a material respect or is reckless as to whether it is false or misleading (Sections 19(5B) and (6B) of the **Residential Tenancies Act 2004** refers).

A person guilty of an offence under the **Residential Tenancies Act 2004** shall, in accordance with section 9 of that Act, be liable on summary conviction to a Class B fine (currently, valued to a maximum of €4,000 under the **Fines Act 2010**) or imprisonment for a term not exceeding 6 months or both.

If the contravention in respect of which a person is convicted of an offence under the **Residential Tenancies Act 2004**, is continued after the conviction, the person is guilty of a further offence on every day on which the contravention continues and for each such offence the person shall be liable on summary conviction to a Class E fine (currently, valued to a maximum of €500 under the **Fines Act 2010**).

Sanctions

The RTB has an investigations and sanctions unit dedicated to investigating certain potential breaches of the Residential Tenancies Act 2004 by a landlord. The breaches of the law that the RTB may investigate are referred to as “Improper Conduct” (Part 7A and Schedule 2 of the Residential Tenancies Act 2004).

Improper Conduct includes where the landlord contravenes:

- a) the RPZ rent increase restriction under section 19(4) of the **Residential Tenancies Act 2004**;
- b) the requirement to serve the RTB with the prescribed Notice of Exemption from the RPZ rent restriction and supporting documents within one month of the setting of the rent;
- c) the requirement to inform the RTB of an alteration to the rent payable and any other details that have altered since the tenancy was last registered within one month of such an alteration occurring.

Improper conduct by a landlord can result in the RTB imposing a fine of up to €15,000 and a further €15,000 in costs.