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| **Terminating a tenancy for rent arrears**  |

**Important: please read carefully before completing a Warning Notice and Notice of Termination[[1]](#footnote-1)**

**Requirement to serve tenant and RTB**

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| **From 6 July 2022 there is a new requirement for the landlord to send a copy of all Notices of Termination to the RTB on the same day as the notice is served on the tenant. The Notice of Termination will be deemed invalid if this requirement is not met. Visit** [**www.rtb.ie**](http://www.rtb.ie/) **for the guide to terminating a tenancy.** |

**Requirements when terminating a tenancy for rent arrears**

If a tenant owes rent and the landlord wishes to proceed to terminate the tenancy due to rent arrears, the following 6 step process below must be followed.

**Step 1: Landlords must serve a warning notice to the tenant to pay back the rent arrears**

Where a tenant has fallen into rent arrears, the tenant should contact the landlord to see if the issue can be resolved or a mutually satisfactory agreement can be reached.

Please see [www.rtb.ie](http://www.rtb.ie) further information and examples of agreement templates to aid tenants and landlords to reach their own payment plans.

If it is not possible to resolve the issue, the landlord can proceed to serve a written rent arrears warning notice. The tenant must be given a minimum of 28 days to pay the rent arrears *(see step 2 below for how this period is calculated).*

The landlord must serve the written rent arrears warning notice by post on the tenant or deliver it in person to the tenant or to the rented address. An email or text message will not suffice. The warning notice must set out the full amount of rent arrears owed by the tenant and explain that failure to pay 100% of the rent owed within the time provided will result in a Notice of Termination being served.

A sample warning notice is attached to this note. The RTB strongly encourages landlords to use this notice.

**Step 2: Landlords must provide a copy of the written rent arrears warning notice to the RTB**

Landlords must provide a copy of the 28 day written rent arrears warning notice that was served on the tenant to the RTB. The 28 day period within which a tenant has to pay rent arrears is calculated from when the tenant or RTB receives the warning notice, whichever occurs later. To avoid any confusion landlords are encouraged to give the notice to the tenant and to the RTB on the same day.

The copy warning notice must be sent by email to the RTB at noticeoftermination@rtb.ie  or by post to PO Box 47, Clonakilty, Co. Cork.

Failure to give a copy of the warning notice to the RTB, means that a notice of termination later served because the rent arrears were not paid, will be invalid.

**Step 3: RTB will write to the landlord and tenant upon receipt of the warning notice**

The RTB will write to the landlord and tenant acknowledging receipt of the written rent arrears warning notice and will confirm the date the RTB received it. The RTB will also provide the tenant with information to facilitate him/her obtaining advice from the Money Advice and Budgeting Service (“MABS”).

The RTB will also ask the tenant to give his/her consent to the RTB assisting the tenant in obtaining advice from MABS. Tenants are not obliged to provide consent, but engagement with MABS is recommended. It is hoped that the majority of tenancy rent arrears situations will be resolved at this stage in the process.

**Step 4: Service of Notice of Termination**

If the landlord has followed step 1-3 and the tenant has not paid the rent arrears in full within the 28 days, the landlord can proceed to serve a Notice of Termination giving (a separate) 28 days’ notice that the tenancy will terminate. (This 28 day notice period beings on the day after service of the Notice of Termination).

A sample Notice of Termination is attached to this note.

**Step 5: Landlords must serve a copy of the Notice of Termination on the RTB**

A landlord must also send a copy of the Notice of Termination served on the tenant for rent arrears to the RTB on the same day the landlord serves it on the tenant. Please note that if the landlord does not send a copy of the Notice of Termination to both the tenant and RTB on the same day, the Notice of Termination will be invalid.

The notice of termination must be sent to the RTB by email to noticeoftermination@rtb.ie  or by post to PO Box 47, Clonakilty, Co. Cork.

**Step 6: RTB will contact the tenant informing them of their options if they dispute the notice**

Upon receipt of the Notice of Termination for rent arrears, the RTB shall notify the tenant in writing of his or her right to refer a dispute in relation to the validity of the Notice of Termination to the RTB within 28 days of receipt of it. Tenants will also be reminded of their rights and responsibilities under the Residential Tenancies Act 2004 (as amended) regarding rental payments.

**SAMPLE: WARNING NOTICE – Failure to pay rent**

To: (insert name of tenant(s))

**Rented dwelling**

This notice relates to your tenancy of the dwelling at:

(insert address of rented dwelling)

(Town, County, Eircode)

(Insert Registration Number RT)

**Rent**

The current rent amount is: (insert rent amount)

Rent is paid: [ ] Weekly **☐**  [ ] Monthly **☐**  [ ] Annually **☐**

**Rent arrears**

You are in breach of your tenancy obligations by failing to pay rent.

As of today, the (insert date) you owe rent arrears of € (insert amount).[[2]](#footnote-2)

Failure to pay 100% of the monies owed **within 28 days**[[3]](#footnote-3) entitles the landlord to terminate your tenancy by serving a Notice of Termination on you.

**Date warning notice issued**

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| This warning notice is issued to the tenant on: | (insert date) |
| A copy of this warning notice is issued to the RTB on: (by email to noticeoftermination@rtb.ie  or by post to PO Box 47, Clonakilty, Co. Cork). | (insert date) |

**Signed**

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_ |
| Signature of Landlord or Authorised Agent | Date  |
| **From 6 July 2022 there is a new requirement for the landlord to send a copy of all Notices of Termination to the RTB on the same day as the notice is served on the tenant. The Notice of Termination will be deemed invalid if this requirement is not met. Visit** [**www.rtb.ie**](http://www.rtb.ie/) **for the guide to terminating a tenancy.** |

**SAMPLE: NOTICE OF TERMINATION – Failure to pay rent**

To: (INSERT NAME OF TENANT(S))

**Termination date**

The tenancy of the dwelling at (Insert Address) will terminate on XX/XX/XXXX.[[4]](#footnote-4) This is the “termination date”.

You must vacate and give up possession of the dwelling on or before the termination date.

You have the whole of the 24 hours of the termination date to vacate and give up possession.

**Reason for termination**

The reason for the termination of the tenancy is because you have breached your tenancy obligations and have not remedied this breach following the warning notice served on you on (Insert date warning notice served).

The reason you have breached your tenancy obligations, is that you have failed to pay rent. The amount of rent owed on the date of this notice is (insert amount). This rent amount is calculated as follows:

(Insert specific break down e.g. *Rent amount is €XX per month. 5 months’ rent is owed*).

**If you (the tenant) dispute this Notice of Termination**

Any issue as to the validity of this Notice of Termination or the right of the landlord to serve it, must be referred to the Residential Tenancies Board under Part 6 of the Residential Tenancies Act 2004 (as amended) within 28 days from the date of receipt of it.

**Inspection of dwelling and return of deposit**

In order to ensure that there is no delay on returning the deposit, the landlord suggests carrying out inspections on (Insert date) and/or (Insert date) at (Insert time). Please let the landlord or the landlord’s authorised agent know which date and time is convenient for you.

**Date of service**

This notice is served on **XX/XX/XXXX**[[5]](#footnote-5) ***(The date of service must be the same for both the tenant and the RTB).***

Signed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**XXXXX**

Landlord or landlord’s authorised agent

1. This note, the attached warning notice and notice of termination are intended as a guide only. You should refer to the specific requirements set out in the Residential Tenancies Act 2004 (as amended). The RTB accepts no liability for any errors or omissions. [↑](#footnote-ref-1)
2. ######  Landlords, please ensure that you insert the correct amount of arrears of rent due on the date the warning notice is given to the tenant.

 [↑](#footnote-ref-2)
3. 28 days is the statutory minimum notice that must be given to a tenant to pay rent that is owed to a landlord. The 28 day period is calculated from when the tenant or RTB receives the warning notice, whichever occurs later. Correspondence from the RTB will confirm the date that it received the warning notice. [↑](#footnote-ref-3)
4. A tenant must receive the correct number of days’ notice as prescribed by s.67(2)(aa) or (b)(ii) of the Residential Tenancies Act 2004 (as amended). For failure to pay rent this must be 28 days’ notice. Day 1 of the notice period begins on the day immediately following the date of service of the notice. The RTB recommend that landlords give additional days when calculating the required notice period to ensure sufficient notice is provided. [↑](#footnote-ref-4)
5. The date of service is for example, the date the notice is posted, or hand delivered. The RTB also accepts service of this notice on its offices by email at noticeoftermination@rtb.ie. [↑](#footnote-ref-5)