**EXPLANATORY NOTE**

**TERMINATING A TENANCY - IN THE FIRST 6 MONTHS**

**(No breach of obligation)**

**Important: please read carefully before completing the notice of termination[[1]](#footnote-1)**

**REQUIREMENT TO SERVE TENANT AND RESIDENTIAL TENANCIES BOARD (“RTB”)**

**The landlord must send a copy of the notice of termination to the RTB on the same day as the notice is served on the tenant.** **The notice of termination will be invalid if this requirement is not met.** The notice of termination can be sent to the RTB by email at [noticeoftermination@rtb.ie](mailto:noticeoftermination@rtb.ie) or by post to PO Box 47, Clonakilty, Co. Cork.

Visit [www.rtb.ie](http://www.rtb.ie) for more information on how to terminate a tenancy.

**RULES WHEN TERMINATING IN THE FIRST 6 MONTHS**

*General*

If a tenancy is less than 6 months old and the landlord wants to terminate it in circumstances where there has been no breach of obligation by the tenant, the landlord can do so by serving a notice of termination.[[2]](#footnote-2) The landlord is not required to give the tenant a reason for why the tenancy is being terminated but must give the tenant 90 days’ notice. **The landlord’s right to terminate in these circumstances does not apply where a fixed term lease is in place, with no break clause, that covers the first 6 months of the tenancy.**

*Winter emergency period*

There are new laws in place for the winter period**. These laws apply where a landlord serves a notice of termination to terminate a tenancy that is less than 6 months old and that notice is served between 30 October 2022 and 31 March 2023 (the “winter emergency period”). In these circumstances, the termination date stated in the notice of termination cannot be earlier than 18 June 2023.[[3]](#footnote-3) If an earlier date is stated in the notice, it will be invalid.** Landlords must still give tenants 90 days’ notice that the tenancy is being terminated.

*Different rules for breach of obligation*

If a tenancy is less than 6 months old and the tenant has breached his / her obligations, a shorter notice period of 28 days can be given or 7 days where the landlord can prove serious anti-social behaviour. Visit [www.rtb.ie](http://www.rtb.ie) for the notices of termination that should be used where a tenant has breach his / her obligations.

**JOINT INSPECTION PRIOR TO TERMINATION**

In order to allow the tenants an opportunity to fix any issues with regard to the dwelling (e.g. cleaning, repairs and replacements for damage in excess of normal wear and tear), it is recommended that the landlord and tenant carry out a joint inspection a few days / weeks before the tenant is due to vacate and then again on the day the tenant vacates the dwelling.

**- End of explanatory note -**

**IMPORTANT NOTE FOR LANDLORDS: The landlord must send a copy of the notice of termination to the RTB on the same day as the notice is served on the tenant. The notice of termination will be invalid if this requirement is not met.**

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| **WINTER EMERGENCY PERIOD:** **If this notice of termination is served between 30 October 2022 and 31 March 2023, the termination date stated in this notice cannot be earlier than 18 June 2023.** |

**NOTICE OF TERMINATION**

**- Tenancy less than 6 months -**

**(no breach of obligation)**

To: *(INSERT NAME OF TENANT(S))*

**TERMINATION DATE**

The tenancy of the dwelling at *(INSERT ADDRESS)* will terminate on *(**INSERT DAY/MONTH/YEAR)*. This is the “termination date”.[[4]](#footnote-4)

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 due to the fact that the landlord is entitled to terminate the tenancy during the first six months by providing you with the required 90 days’ notice.

**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 (“RTB”) under Part 6 of the Residential Tenancies Act 2004 (as amended) within 28 days from the date of receipt of it. New laws have increased this notice period from 28 days to 90 days.  This means that you must submit any dispute in relation to this notice of termination to the RTB within 90 days 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 **you the tenant and the RTB on *(INSERT DAY/MONTH/YEAR)*.[[5]](#footnote-5) *(The date of service must be the same for both the tenant and the RTB).***

Signed:

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*[SIGN ABOVE AND PRINT NAME HERE]*

Landlord or landlord’s authorised agent

*The RTB respects your privacy and is committed to complying with Data Protection law. For information on how the RTB handle your personal data, please refer to the RTB Privacy Statement at* [*https://www.rtb.ie/privacy-statement*](https://eur04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.rtb.ie%2Fprivacy-statement&data=05%7C01%7CDaniel.ORourke%40rtb.ie%7C75a487bf4d544db221e208da6bbc2f6d%7Cf8f7e24b3e5b49ecbbc337d638d4f68d%7C0%7C0%7C637940753243157773%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=R72Ng7nJOGDPHW%2FstLn0GL2ddw%2FK95v1H1QDt0xXJo0%3D&reserved=0)

1. This note and the attached 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. A tenant who has been renting for six months and has not been served with a written notice of termination, automatically acquires security of tenure. This is referred to as a ‘Part 4 tenancy’. A landlord can only terminate a Part 4 tenancy on limited grounds. Visit [www.rtb.ie](http://www.rtb.ie/) for further information. [↑](#footnote-ref-2)
3. These new laws do not give rise to security of tenure (‘Part 4’) rights for tenants. [↑](#footnote-ref-3)
4. A tenant must receive the correct number of days’ notice as prescribed by s.66(2)(a) and s.65(4) of the Residential Tenancies Act 2004 (as amended). This is exactly 90 days. Day 1 of the notice period begins on the day immediately following the date of service of the notice. The termination date in the notice of termination must be day 90 of the notice period. Additional requirements apply for notices of termination served between 30 October 2022 and 31 March 2023 to terminate a tenancy that is less than 6 months old. In those circumstances, the termination date stated in the notice of termination, cannot be earlier than 18 June 2023. The minimum of 90 days’ notice must still be given. [↑](#footnote-ref-4)
5. The notice must be served on the tenant, and on the same day, a copy also served on the RTB. 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](mailto:noticeoftermination@rtb.ie) (e.g. the landlord can post the notice of termination to the tenant and on the same day email it to the RTB). [↑](#footnote-ref-5)