



Rialtas na hÉireann
Government of Ireland

Annual Registration of Tenancies with Residential Tenancies Board (RTB)

What this Means for Landlords and Tenants

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1 | Introduction

From 4 April 2022, landlords must register tenancies with the RTB both at the start of the tenancy and thereafter, annually for as long as the tenancy continues. Annual registration must be completed within one month of the anniversary of the tenancy commencement date. The RTB will remind landlords when their tenancy is due for annual registration, where the RTB has up-to-date contact details for the landlords. It is the landlord's duty to ensure they are fully compliant.

Annual registration of tenancies by landlords replaces the earlier requirement for a tenancy to be registered at its commencement and thereafter, once every 6 years. In comparison to the earlier system of registration, annual registration is a simpler and more effective registration model for the rental sector. The introduction of annual registration is an important step that will assist the RTB with monitoring, supporting and regulating the sector.

Up-to-date registration data will also help the RTB and Government to better understand the sector and inform decision making in rental policy development.

This guidance note explains the new requirements for landlords to register tenancies on an annual basis with the RTB.

These new rules apply to all tenancies that come within the RTB's jurisdiction including Approved Housing Body ("AHB") tenancies and cost rental tenancies. They also apply to licences of student specific accommodation ("SSA"), which have come within the RTB's jurisdiction since 2019. For ease of reference in this note, the term "tenancy" or "tenancies" is to be read as including a reference to licence(s) of SSA. In many cases, academic term times mean that the licence (or tenancy) of SSA will terminate before its one-year anniversary.

2 | Legislative Background

Section 134 of the Residential Tenancies Act 2004, as amended, ("RTA 2004")¹ is the legislative provision that obliges a landlord to apply to the RTB to register a tenancy when he or she lets a dwelling. Section 134 (and associated provisions) were amended by sections 22-26 of the Residential Tenancies (Amendment) Act 2019 (the "2019 Amendment Act"), to provide for annual registration.² The 2019 Amendment Act was enacted in May 2019, with its provisions in relation to annual registration coming into operation on 4 April 2022.

Section 7 of the Residential Tenancies (Amendment) Act 2021 (the "2021 Amendment Act")³ provides for a temporary fee waiver in respect of the annual registration of certain tenancies. Section 22(2) of the 2019 Amendment Act⁴ also provides for transitional measures with regard to the first registration of a tenancy under the new annual registration provisions. All these rules are explained below.

1 A consolidated version of the RTA 2004 can be found on the Law Reform Commission's website at <https://revisedacts.lawreform.ie/eli/2004/act/27/front/revised/en/html>

2 Amendments were later made to these provisions by section 26 of the Local Government Rates and other Matters Act 2019 <https://www.irishstatutebook.ie/eli/2019/act/24/section/26/enacted/en/html#sec26>

3 <https://www.irishstatutebook.ie/eli/2021/act/39/section/7/enacted/en/html#sec7>

4 As amended by section 26 of the Local Government Rates and other Matters Act 2019 <https://www.irishstatutebook.ie/eli/2019/act/24/section/26/enacted/en/html#sec26>

3 Annual Registration of Tenancies

With effect from 4 April 2022, a landlord must apply to the RTB to register a tenancy within 1 month of its commencement and thereafter, on an annual basis for so long as the tenancy stays in existence. An application to register a tenancy on an annual basis must be made within one month of each anniversary of the tenancy commencement date.

Example

A tenancy commenced on 4 July 2022. The landlord must register the tenancy by 3 August 2022 (i.e. within one month of its commencement).

If the tenancy continues for the next 12 months, the landlord will be obliged to register the tenancy again as of 4 July 2023. The landlord must do so by 3 August 2023 (i.e. within one month of the anniversary of the commencement date).

The landlord must continue to register the tenancy by no later than 3 August every year for so long as the tenancy continues. (Please see text and table below regarding tenancies commencing between 4 April 2022 and 3 July 2022.)

Important Dates

In normal circumstances, a tenancy must be registered within 1 month of the tenancy commencement date, as well as annually within 1 month of each anniversary of the tenancy commencement date. Transitional measures for a short period of time post 4 April 2022 give additional time to complete registration. These are explained below.

Existing Tenancies (other than in SSA) on 4 April 2022 - Annual Registration Requirement

Anniversary of tenancy commencement date	First annual registration	Subsequent annual registration
Falls between 4 April 2022 and 3 July 2022 <i>(within 3 months of commencement of annual registration requirement)</i>	No later than 3 August 2022 <i>(not later than 4 months from commencement of annual registration requirement)</i>	Within one month of each anniversary of the tenancy commencement date
On/after 4 July 2022	Within one month of each anniversary of the tenancy commencement date	Within one month of each anniversary of the tenancy commencement date

New Tenancies Commencing on/after 4 April 2022 – First and Subsequent Annual Registration Requirement

Tenancy commencement date	Registration on commencement of tenancy	Annual registration
Falls between 4 April 2022 and 3 July 2022 <i>(within 3 months of commencement of annual registration requirement)</i>	By no later than 3 August 2022 <i>(not later than 4 months from commencement of annual registration requirement)</i>	Within one month of each anniversary of the tenancy commencement date
On/after 4 July 2022	Within one month of the tenancy commencement date	Within one month of each anniversary of the tenancy commencement date

While the RTB will remind landlords about when a tenancy is due to be registered each year, it is the landlord's responsibility to ensure that tenancies are registered within the timelines explained above.

4 | Process for Registration

Landlords may register a tenancy through the RTB's online tenancy registration system. You can also submit a tenancy registration form (RTB1 form) which is available on www.rtb.ie.

5 Registration Fees

Annual Registration Fees from 4 April 2022

Type	Description	Fee		
		Private Tenancy (including SSA)	Cost Rental Tenancy	AHB Tenancy (excluding Cost Rental)
Standard Fee	Application to register with the RTB is made within one month of tenancy commencement date	€40	€40	€20
Late Fee	Application to register with the RTB is made more than one month after tenancy commencement date	Standard fee plus €10 for each month (or part thereof) that the application is late	Standard fee plus €10 for each month (or part thereof) that the application is late	Standard fee plus €5 for each month (or part thereof) that the application is late
Composite Fee	A reduced fee in respect of an application made to the RTB, within one month of the earliest tenancy commencement date, to register a maximum of 10 tenancies in one building by the same landlord at the same time	€170	€170	€85
No Fee	If, in a 12-month period, a second tenancy in the same rented dwelling occurs, no fee will apply to the second or subsequent application to register within that period	€0	€0	€0

6 | Temporary Fee Waiver May Apply to You

A temporary fee waiver may apply when registering further Part 4 tenancies in certain circumstances. A further Part 4 tenancy comes into being when a tenancy has lasted 6 years.⁵

For further Part 4 tenancies that exist on 4 April 2022 and in respect of which an application to register the tenancy was made prior to that date, a temporary annual registration fee waiver applies if the required fee for that application is paid by no later than midnight 3 May 2022. If this condition is met, no annual registration fee is payable for that further Part 4 tenancy for the remainder of its term or until it is terminated (whichever occurs earlier).

Although no standard fee is payable, the tenancy must still be registered annually. Landlords must register these tenancies each year on time, otherwise late fees will be payable (i.e. a late fee of €10 for each month (or part thereof) that the application is late or for AHB tenancies (excluding cost rental tenancies), a late fee of €5 for each month (or part thereof) that the application is late. The standard fee of €40 (or €20 for a AHB tenancy (excluding a cost rental tenancy) will not apply.)

This fee waiver is provided for by section 7 of the 2021 Amendment Act. An example of how it applies in practice is seen on the right.

Example

A tenancy commenced on 1 January 2016. On 1 January 2020 it became a further Part 4 tenancy with a potential duration of six years.⁶ The landlord applied to register the further Part 4 tenancy on 15 January 2020 and paid the required fee before midnight on 3 May 2022.

Annual registration came into force on 4 April 2022. The landlord must register the tenancy again within a month of 1 January 2023 (i.e. within 1 month of each anniversary of the tenancy commencement date). No fee is payable for this registration. This tenancy continues where no registration fee will be charged until 1 January 2026.

If the tenancy is terminated by either party before the end of its term, a registration fee will be payable in respect of any replacement tenancy.

⁵ New rules that apply from 11 June 2022 mean that further Part 4 tenancies will be phased out and will transition to tenancies of unlimited duration over time. (See sections 5 and 6 of the 2021 Amendment Act).

⁶ As this tenancy commenced prior to 24 December 2016, only 4 years occupation was required for it to become a further Part 4 tenancy. From 24 December 2016, 6 years occupation is required.

7 | Exemption from Fees (Successive Tenancies)

Landlords will not be required to pay any fee when registering a tenancy that has been registered on time and where in the preceding 12 months any one of the following has occurred:

- a) An application to register a tenancy of the same dwelling has previously been made to the RTB, where that application was made on time and was accompanied by the relevant fee;
- b) The landlord has paid the single composite fee to register several (but not more than 10) tenancies of dwellings within the same property and the dwellings to which those several applications related, included the dwelling which is now the subject of the application for registration.

8 | Update of Tenancy Details

If a landlord changes the rent during the year, he or she must provide an update on the new rent to the RTB within one month of the new rent becoming payable (together with an update on any other material changes to the tenancy details registered with the RTB) (section 139 of the RTA 2004).

Landlords may update a tenancy registration through the RTB's online tenancy registration system. You can also submit a tenancy update form which is available on www.rtb.ie.

No fee is payable to update the tenancy register during the year.

9 | Sanctions

The RTB has an Investigations and Sanctions unit dedicated to investigating certain potential breaches of the RTA 2004 by a landlord. The breaches of the law that the RTB may investigate are referred to as “Improper Conduct.”⁷

Improper Conduct includes where the landlord contravenes:

- a) the obligation to register a tenancy;
- b) the requirement to update the RTB on any change in the rent payable (and any other material changes in the particulars of the tenancy registered with the RTB), within one month of any new rent becoming payable.

Improper Conduct by a landlord can result in the RTB issuing a written caution, imposing a fine of up to €15,000 and/or a further €15,000 in costs.

10 | Offence

A landlord is guilty of an offence under the RTA 2004 if he or she fails to comply with the legal requirement under section 134 of that Act to apply to register a tenancy with the RTB.

A person guilty of an offence under the RTA 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 RTA 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).

The RTB makes every effort to inform landlords of their obligations to register tenancies and legal action is taken as a last resort.

⁷ Part 7A and Schedule 2 of the RTA 2004.



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