

Providers of Building Works and Miscellaneous Provisions Act 2022: Helpful Information

This document outlines the key changes introduced under the Providers of Building Works and Miscellaneous Provisions Act 2022 for the rental sector.

Key changes for landlords serving a Notice of Termination

From 6 July 2022, a new law was introduced which:

- Requires landlords to send a copy of any Notice of Termination to the Residential Tenancies Board (RTB) at the same time they serve it on the tenant;
- Increases the notice period landlords are required to provide tenants when ending certain tenancies; and
- Enables the RTB to assist landlords with the contact details of their previous tenant(s), where a landlord had ended the tenancy previously and is required to re-let the property to the tenant(s).

It is extremely important that landlords and tenants understand these new changes to ensure that any Notice of Termination being served is valid.

What do these changes mean?

1. **All Notices of Termination must be copied to the RTB at the same time as the notice is served on the tenant**

From 6 July 2022, when landlords are serving a Notice of Termination on their tenants, they **must** also send a copy to the RTB at the same time. Failure to send a copy to the RTB at the same time will invalidate the Notice of Termination.

All Notices of Termination, including those served where the tenancy has lasted less than six months, must be copied to the RTB.

Landlords should attach the Notice of Termination to the RTB Notice of Termination Return form found on www.rtb.ie.

It should be sent by email to NoticeofTermination@rtb.ie or posted to Residential Tenancies Board, PO Box 47 Clonakilty, Co. Cork. The RTB recommends, if posting the notice, landlords use certified post to ensure you can retain proof of the date the notice of termination was served on the tenant and copied to the RTB.

Process for rent arrears unchanged

The termination process for rent arrears remains unchanged. Landlords must continue to serve a copy of the 28-day written rent arrears warning notice to the RTB. The 28-day period will count from the date that both the tenant and the RTB have received the warning notice, so landlords must send both notices at the same time.

A landlord must also send a copy of the Notice of Termination they have served on their tenant for rent arrears to the RTB on the same day they serve it on their tenant. Please note that failure to submit a copy of the rent arrears warning notice or any Notice of Termination to the RTB will invalidate the Notice of Termination.

Sample Notices of Termination can be found on www.rtb.ie

2. **New notice periods landlords must provide when serving a Notice of Termination where there has been no breach of tenancy obligation**

From 6 July 2022, when a landlord wishes to end a tenancy, there are new notice periods that the landlord must provide a tenant. The new notices periods only apply to tenancies that are less than 3 years old. There has been no change to the notice periods for tenancies that are greater than 7 years old. These are outlined below:

Duration of tenancy notice period	Days
Less than 6 months	90 days
Not less than 6 months but less than one year	152 days
Not less than 1 year but less than 7 years	180 days
Not less than 7 years but less than 8 years	196 days
Not less than 8 years	224 days

For tenancies that have lasted less than six months, there is a new minimum termination notice period of 90-days. The new notice periods only apply to tenancies that are less than 3 years old, once there has been no breach of tenant obligations.

These new notice periods do not apply where the Notice of Termination is served for a breach of tenant obligations or rent arrears (as outlined above). Landlords must still serve a warning notice and where the breach has not been remedied in a reasonable period, can proceed to serve a 28-day Notice of Termination.

Sample warning notices and sample Notices of Termination can be found on www.rtb.ie

3. **Change to the time period a tenant has to apply for dispute resolution with the RTB where they have an issue with the validity of the Notice of Termination received**

From 6 July 2022, the length of time a tenant has for referral of a dispute on the validity of the Notice of Termination received increased from 28-days to 90-days from receipt of the Notice of Termination in cases where there has been no breach of tenancy obligations. **This means that a tenant must submit a dispute application to the RTB within 90-days of the receipt of the notice of termination.**

Landlords should follow the sample Notices of Termination on www.rtb.ie

4. **The responsibility is now on the landlord to have up-to-date tenant contact details**

When a landlord ends a tenancy for certain reasons (outlined below), they must offer the previous tenant(s) the option to re-let the property where the property becomes available again under certain conditions. These specific reasons and their related conditions are outlined below:

- **When the landlord wants to sell the property.** In these instances, the landlord must offer the tenancy back to the previous tenant(s) if they do not enter into an agreement to sell the property within nine months from the expiry of the notice period
- **When the landlord ends the tenancy because they require the property for their own use or family use.** In these instances, the landlord must offer the property back to the previous tenant(s) if the property is vacated by the landlord or the family member and becomes available for re-let within 12 months from the expiry of the notice period.
- **When the landlord wants to significantly refurbish their property.** The landlord must offer the tenancy back to the previous tenant(s) once the refurbishment works are complete.
- **When the landlord wants to change the use of the property.** The landlord must offer the property back to the previous tenant(s) if the property becomes available for re-let within 12 months from the expiry of the notice period.

If a dispute in relation to the validity of the Notice of Termination has been referred to the RTB, the time periods above will run from the final determination of the dispute.

From 6 July 2022, it is the landlord's responsibility to ensure that they have made every reasonable effort to obtain the tenant's contact details and offer the property back where applicable. The requirement for the tenant to provide their contact details to their landlord in writing within 28-days of the service of the notice of termination, for the purpose of a re-let offer no longer applies.

In many cases, the landlord or their authorised agent will already have a record of the tenant's email address and/or phone number to facilitate the landlord to re-let the property to their previous tenants. Tenants are encouraged to make every effort to ensure the landlord have their up-to-date contact details for purpose of a re-let offer.

If the landlord is unable to contact their previous tenant(s), they **must** contact the RTB to ask if the RTB has the contact details of the tenant(s) so they can make the offer to re-let the property to them.

5. **RTB to assist in providing landlords with contact details of tenants where there is an option to re-let**

When the RTB receives a copy of the Notice of Termination from the landlord, the RTB will contact both the landlord(s) and the tenant(s) and provide them with:

- A statement setting out a summary of their tenancy rights and obligations and details of the RTB's Dispute Resolution Service.
- An invitation to the tenant to provide their contact details in writing to the RTB along with their consent to pass their details on to the landlord, if requested, when there is an opportunity for a re-let (under the specific reasons outlined above).

If, after reasonable efforts have been made by the landlord to get the tenant(s) contact details and the landlord still cannot contact the tenant, the landlord **must** make a request in writing to the RTB seeking the tenants' contact details for the purpose of re-letting the property.

Upon request from the landlord seeking the tenants contact details, the RTB will provide the landlord with the current contact details of the tenant where they have received confirmation and consent to do so or if the tenant has not provided contact details or consent to share details the RTB will request the tenant to confirm the details and consent to share within 7-days.

If the tenants' contact details are not received within the 7-days, the landlord will no longer be required to offer the property to the previous tenant and can proceed to re-let the dwelling to someone else.