**EXPLANATORY NOTE**

**TERMINATING A TENANCY – BEFORE A FURTHER PART 4 TENANCY BEGINS**

**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 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 A TENANCY BEFORE A FURTHER PART 4 TENANCY COMMENCES**

This notice of termination may only be used to end a tenancy before it becomes a ‘Further Part 4 tenancy’. The tenancy must have been created prior to 11 June 2022 and must not be a Tenancy of Unlimited Duration.

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’. Part 4 tenancies operate in 6-year cycles so that a new Further Part 4 tenancy comes into being every 6 years (e.g. year 6, 12, 18 etc). Tenancies of Unlimited Duration were introduced on 11 June 2022 and will phase out Further Part 4 tenancies, so that instead of a tenancy running in 6-year cycles, it can last for an unlimited period.

Before a Part 4 or a Further Part 4 tenancy becomes a Tenancy of Unlimited Duration at the end of its current 6-year cycle, the landlord can terminate it for any reason (i.e. it does not have to be one of the permitted reasons (like intention to sell) provided for by the Residential Tenancies Act 2004 (as amended). To terminate the Part 4 or Further Part 4 tenancy in these circumstances, the landlord must serve a notice of termination prior to the end of the current 6-year period and the notice period must expire on or after the last day of that 6-year period. Landlords who want to terminate a tenancy in these circumstances, can use this template notice of termination.

Visit [www.rtb.ie](http://www.rtb.ie) for more information on Further Part 4 tenancies and Tenancies of Unlimited Duration.

**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.**

**NOTICE OF TERMINATION**

 **- Terminating a tenancy before a Further Part 4 tenancy begins -**

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

**TERMINATION DATE**

Your tenancy of the dwelling at *(INSERT ADDRESS)* will terminate on *(**INSERT DAY/MONTH/YEAR)*.  This is the “termination date”.[[2]](#footnote-2)

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 the landlord is entitled to terminate the tenancy before a Further Part 4 tenancy commences.

**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)*.[[3]](#footnote-3) *(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 must receive the correct number of days’ notice as prescribed by s.66(2)(a) of the Residential Tenancies Act 2004 (as amended). 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-2)
3. 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 (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-3)