**EXPLANATORY NOTE**

**TERMINATING A TENANCY - LANDLORD REQUIRES DWELLING TO OCCUPY OR FOR A FAMILY MEMBER TO OCCUPY**

**(No breach of obligation)**

**Important: please read carefully before completing the notice of termination[[1]](#footnote-2)**

**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.

**REQUIREMENTS WHEN TERMINATING BECAUSE LANDLORD REQUIRES THE PROPERTY TO OCCUPY OR FOR A FAMILY MEMBER TO OCCUPY**

A landlord is entitled to terminate a Part 4 tenancy[[2]](#footnote-3) where a landlord requires the dwelling or the property containing the dwelling for their own occupation or for occupation by a member of his/her family (a member of family is defined as a spouse, civil partner, child, stepchild, foster child, grandchild, parent, grandparent, step-parent, parent-in-law, brother, sister, nephew, niece of the landlord or a person adopted by the landlord under the Adoption Acts).

The notice of termination must be accompanied by a **statutory declaration.** A statutory declaration must be signed in the presence of a Commissioner for Oaths, Practising Solicitor, Notary Public, or Peace Commissioner. Please note that the landlord must sign the statutory declaration him or herself. It cannot be signed on the landlord’s behalf by an authorised agent. If the landlord is a company, the statutory declaration should be signed by a person authorised by the company constitution to sign the document on its behalf (e.g. a Director or company secretary).

**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**

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| **- Landlord requires dwelling to occupy or for family member to occupy -** |

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”.[[3]](#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**

***[DELETE THE OPTION THAT DOES NOT APPLY]***

The reason for the termination of the tenancy is because the landlord requires the dwelling or the property containing the dwelling for the landlord’s own occupation. The landlord, *[INSERT NAME]*, expects to occupy the dwelling for / until *[SPECIFY INTENDED DURATION OF OCCUPATION E.G. X YEARS, INDEFINITELY ETC].*

***[OR]***

The reason for the termination of the tenancy is because the landlord requires the dwelling or the property containing the dwelling for occupation by a family member. *[INSERT NAME OF INTENDED OCCUPANT(S) AND RELATIONSHIP TO THE LANDLORD, E.G. MY DAUGHTER JANE DOE]* expect(s) to occupy the dwelling until *[SPECIFY INTENDED DURATION OF OCCUPATION E.G. X YEARS, INDEFINITELY ETC].*

**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.

This notice is served on **you the tenant and the RTB on *(INSERT DAY/MONTH/YEAR)*.[[4]](#footnote-5) *(The date of service must be the same for both the tenant and the RTB).***

Signed:

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

*[SIGN ABOVE AND PRINT NAME HERE]*

Landlord or landlord’s authorised agent

**STATUTORY DECLARATION**

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| **- Landlord requires dwelling to occupy or for family member to occupy -** |

I, *(INSERT NAME)*, the landlord do solemnly and sincerely declare that:

*[DELETE THE OPTION THAT DOES NOT APPLY]*

1. I require the dwelling or the property containing the dwelling at *(INSERT ADDRESS)* for my own occupation for the period from *[(INSERT DATE)* to *(INSERT DATE)* **or** *(IF INDEFINITELY, STATE THIS)].*

***OR***

I require the dwelling or the property containing the dwelling at *(INSERT ADDRESS)* for my *(INSERT NAME OF INTENDED OCCUPANTS(S) AND RELATIONSHIP TO LANDLORD, E.G. MY DAUGHTER JANE DOE’S)* occupation for the period from *[(INSERT DATE)* to *(INSERT DATE)* **or** *(IF INDEFINITELY, STATE THIS)].*

1. I will offer you the opportunity to re-occupy the dwelling under a tenancy if:
2. the dwelling is vacated by *(INSERT LANDLORD* ***OR*** *INTENDED OCCUPANT’S NAME)* within a period of **twelve months** from:
* the expiry of the period of notice given by the notice of termination that accompanies this statutory declaration, or
* the final determination of a dispute, if a dispute in relation to the validity of the notice of the termination has been referred to the Residential Tenancies Board (“RTB”) for resolution under Part 6 of the Residential Tenancies Act 2004 (as amended)(the “Act”), and;
1. The tenancy to which the notice of termination relates has not otherwise been validly terminated on the grounds specified at paragraphs 1, 1A, 2, 3 or 6 of the Table to the Act (namely because the tenant has breached his/her obligations, failed to pay rent, the dwelling is no longer suitable for the accommodation needs of the occupying household, the landlord intends to sell the dwelling within 9 months of the termination of the tenancy or the landlord intends to change the use of the property).
2. I understand that I **must** make reasonable inquiries to obtain the tenant’s contact details for the purposes of offering the tenant a tenancy if the conditions in paragraph 2 are met. If I am unable to contact the tenant, I must contact the RTB and ask it to assist in seeking and providing contact details for the tenant.

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| **Note to tenants**: The RTB will be in touch with you separately to ask for your contact details to be kept on file to assist, if necessary, the landlord contacting you to offer you a tenancy should the dwelling become available for reletting as set out above. It is also recommended that you update the landlord directly of any change in your contact details. If the RTB and the landlord cannot ascertain your contact details after reasonable inquiry, there is no obligation on the landlord to offer you a tenancy in the circumstances described. If the landlord does contact you to offer you a tenancy, **you will have a reasonable period not exceeding 7-days to accept this offer.** |

I, [**Insert name of landlord**], make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

[**Landlord to Sign Here[[5]](#footnote-6)** …………………………………………………………

**Declared** before me ………………………………………….. a [practising solicitor] [notary public] [[commissioner for oaths](http://www.citizensinformation.ie/en/justice/civil_law/commissioners_for_oaths.html)] [peace commissioner] [person authorised by [insert authorising statutory provision] …………………………………………….. to take and receive statutory declarations] by [**Insert Name of Declarant (Landlord)]**……………………………………………………….

Who is personally known to me.

**Or**

Who has been identified to me by ……………………………… who is personally known to me and who has certified to me his/her personal knowledge of the declarant.

**Or**

The identity of the declarant has been established by me by reference to a [**Insert Identifying document\***] containing a photograph of the declarant.

This …………. day of …………….. 20XX at …………………….. [insert place of signature]

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

[**Signature of Witness**]

**\*Approved Identifying Documents to be provided to Witness of Statutory Declaration**

1. Passport issued by the authorities of an issuing State that is recognised by the Irish Government [passport number, date of issue and issuing State must be inserted].

2. National Identity Card issued by the authorities of an issuing State which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement [national identity card number, date of issue and issuing State must be inserted].

3. Aliens Passport issued by the authorities of an issuing State that is recognised by the Irish Government [passport number, date of issue and issuing State must be inserted].

4. Refugee Travel document issued by the Minister for Justice, Equality and Law Reform [document number and date of issue must be inserted].

5. Travel document (other than a refugee travel document) issued by the Minister for Justice, Equality and Law Reform [document number and date of issue must be inserted].

*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, the attached notice of termination and statutory declaration 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-2)
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-3)
3. 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-4)
4. 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-5)
5. Landlord must sign and not authorised agent. [↑](#footnote-ref-6)