**EXPLANATORY NOTE**

**TERMINATING A TENANCY LESS THAN 6 MONTHS OLD - BREACH OF OBLIGATION**

**(except rent arrears and serious anti-social behaviour)**

**(except for rent arrears and serious anti-social behaviour)**

**Important: please read carefully before completing 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 LESS THAN 6 MONTHS (BREACH OF OBLIGATION)**

If a landlord believes a tenant is breaching his / her obligations, the landlord should discuss the issue first with the tenant to see if it can be resolved. If this is unsuccessful and the landlord wants to terminate a tenancy that is less than 6 months old because the tenant has breached his/her obligations, the landlord may do so by serving a notice of termination giving 28 days’ notice.

Different rules apply if the landlord is terminating a tenancy that is less than 6 months old because the tenant is in rent arrears or where the landlord is able to prove that the tenant has engaged in serious anti-social behaviour. Visit [www.rtb.ie](http://www.rtb.ie) for further details on these grounds of termination and sample notices of termination that apply in these circumstances.

**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**

|  |
| --- |
| **- Tenancy less than 6 months – breach of obligation -** **(except rent arrears and serious anti-social behaviour)** |

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”.[[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 due to the fact that you have breached your tenancy obligations by *(INSERT DETAILS).*

**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.

**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:

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

*[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.67(2)(b)(i) of the Residential Tenancies Act 2004 (as amended). For breach of obligation where the tenancy is less than 6 months old, this is 28 days. Day 1 of the notice period begins on the day immediately following the date of service of the notice. [↑](#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)