**EXPLANATORY NOTE**

**TERMINATING A TENANCY – DWELLING NO LONGER SUITABLE TO THE ACCOMODATION NEEDS OF THE TENANT / OCCUPYING HOUSEHOLD**

**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.

**REQUIREMENTS WHEN TERMINATING BECAUSE THE DWELLING IS NO LONGER SUITABLE TO THE ACCOMMODATION NEEDS OF THE TENANT / OCCUPYING HOUSEHOLD**

A landlord is entitled to terminate a Part 4 tenancy[[2]](#footnote-2) where the dwelling is no longer suitable to the accommodation needs of the tenant and of any persons residing with him/her, having regard to the number of bed spaces contained in the dwelling and the size and composition of the occupying household. The notice of termination must contain a statement providing certain information as set out in the notice of termination attached.

**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**

 **- Dwelling no longer suitable to the accommodation needs of the tenant / occupying household -**

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”.[[3]](#footnote-3)

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 termination of the tenancy is because the dwelling is no longer suitable to your accommodation needs [and those of the person(s) residing with you] *[DELETE SECTION IN BRACKETS IF IT DOES NOT APPLY]* (the "occupying household") having regard to the number of bed spaces in the dwelling and the size and composition of the occupying household.

**STATEMENT AS TO WHY THE DWELLING IS NO LONGER SUITABLE**

The bed spaces in the dwelling: *(INSERT DETAILS AND NUMBER OF BED SPACES*).

Having regard to the bed spaces in the dwelling and the size and composition of the occupying household, the grounds on which the dwelling is no longer suitable are *(INSERT DETAILS AS TO WHY THE DWELLING IS NO LONGER SUITABLE FOR THE OCCUPANTS)*.

**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 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)*.[[4]](#footnote-4) *(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, the attached notice of termination and statement 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 who is renting for at least six months and has not been served a written notice of termination of tenancy 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-2)
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-3)
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-4)