

## EXPLANATORY NOTE

### TERMINATING A TENANCY – RENT ARREARS

**Important: please read carefully before completing the warning notice and notice of termination<sup>1</sup>**

#### 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](mailto: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 FOR TERMINATING FOR RENT ARREARS

If a landlord wishes to terminate a tenancy because the tenant is in rent arrears, the following 6 step process must be followed.

##### **Step 1: Landlords must give a warning notice to the tenant to pay back the rent arrears**

Where a tenant has fallen into rent arrears, the tenant should contact the landlord to see if the issue can be resolved or a mutually satisfactory agreement reached. Visit [www.rtb.ie](http://www.rtb.ie) for helpful information and agreement templates to aid tenants and landlords to reach their own payment plans.

If it is not possible to resolve the issue and the landlord wants to proceed towards terminating the tenancy for arrears of rent, the landlord must give the tenant a written rent arrears warning notice. This notice must give the tenant at least 28 days to pay the rent arrears (*see step 2 below for how this period is calculated*).

The landlord must serve the written rent arrears warning notice by post on the tenant or deliver it in person to the tenant or to the rented address. An email or text message will not suffice. The warning notice must set out the full amount of rent arrears owed by the tenant and explain that failure to pay 100% of the rent stated in the warning notice within the time provided will result in a notice of termination being served.

A sample warning notice is attached to this note.

##### **Step 2: Landlords must provide a copy of the warning notice to the RTB**

Landlords must send the RTB a copy of the 28 day written rent arrears warning notice that was given to the tenant. The 28 day period within which a tenant has to pay rent arrears is calculated from when the tenant or RTB receives the warning notice, whichever occurs later. To avoid any confusion, landlords are encouraged to give the notice to the tenant and to the RTB on the same day.

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<sup>1</sup> This note, the attached warning notice and 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.

The copy warning notice must be sent by email to the RTB at [noticeoftermination@rtb.ie](mailto:noticeoftermination@rtb.ie) or by post to PO Box 47, Clonakilty, Co. Cork.

**Sending a copy of the warning notice to the RTB is important. If the landlord does not do this, it means that a notice of termination later served because the rent arrears were not paid, will be invalid.**

### **Step 3: RTB will write to the landlord and tenant upon receipt of the warning notice**

The RTB will write to the landlord and tenant acknowledging receipt of the written rent arrears warning notice and will confirm the date the RTB received it. The RTB will also provide the tenant with information to facilitate him / her obtaining advice from the Money Advice and Budgeting Service (“MABS”).

The RTB will also ask the tenant to give his / her consent to the RTB assisting the tenant in obtaining advice from MABS. Tenants are not obliged to provide consent, but engagement with MABS is recommended. It is hoped that the majority of rent arrears situations will be resolved at this stage in the process.

### **Step 4: Service of notice of termination**

If the landlord has followed step 1-3 and the tenant has not paid the rent arrears in full within the 28 days, the landlord can proceed to serve a notice of termination on the tenant. This notice of termination must give the tenant 28 days’ notice that the tenancy is being terminated. (This 28 day notice period begins on the day after service of the notice of termination).

A sample notice of termination is attached to this note.

### **Step 5: Landlords must serve a copy of the notice of termination on the RTB**

The landlord must also send a copy of the notice of termination served on the tenant for rent arrears to the RTB **on the same day** as the landlord serves it on the tenant. Please note that **if the landlord does not send a copy of the notice of termination to both the tenant and RTB on the same day, the notice of termination will be invalid.**

The notice of termination must be sent to the RTB by email to [noticeoftermination@rtb.ie](mailto:noticeoftermination@rtb.ie) or by post to PO Box 47, Clonakilty, Co. Cork.

### **Step 6: RTB will contact the tenant informing them of their options if they dispute the notice**

Upon receipt of the notice of termination for rent arrears, the RTB shall notify the tenant in writing of his or her rights legal rights, including the right to refer a dispute in relation to the validity of the notice of termination to the RTB within 28 days of receipt of it. The tenant will also be reminded of the tenant’s legal responsibilities, including the obligation to continue to pay rent even though a notice of termination has been served or a dispute referred to the RTB.

**- End of explanatory note -**

## WARNING NOTICE

### - Failure to pay rent –

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

#### Rented dwelling

This notice relates to your tenancy of the dwelling at *(INSERT ADDRESS OF RENTED DWELLING – STREET/TOWN, COUNTY, EIRCODE)*.

The tenancy registration number for this tenancy is *(INSERT RT NUMBER)*.

#### Rent

The current rent amount is: *(INSERT RENT AMOUNT)*

Rent is paid: Weekly  Monthly  Annually

#### Rent arrears

You are in breach of your tenancy obligations by failing to pay rent.

As of today, the *(INSERT DATE)* you owe rent arrears of €*(INSERT AMOUNT)*.<sup>2</sup>

Failure to pay 100% of the monies owed **within 28 days**<sup>3</sup> entitles the landlord to terminate your tenancy by serving a notice of termination on you.

#### Date warning notice issued

This warning notice is given to the tenant on: *(INSERT DATE)*

A copy of this warning notice is given to the RTB on: *(INSERT DATE)*  
(by email to [noticeoftermination@rtb.ie](mailto:noticeoftermination@rtb.ie) or by post to PO Box 47, Clonakilty, Co. Cork).

#### Signed

\_\_\_\_\_  
Landlord or landlord's authorised agent

\_\_\_\_\_  
Date

<sup>2</sup> Landlords, please ensure that you insert the correct amount of arrears of rent due on the date the warning notice is given to the tenant.

<sup>3</sup> 28 days is the statutory minimum notice that must be given to a tenant to pay rent that is owed to a landlord. The 28 day period is calculated from when the tenant or RTB receives the warning notice, whichever occurs later. Correspondence from the RTB will confirm the date that it received the warning notice.

**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

- Rent arrears -

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

### TERMINATION DATE

The tenancy of the dwelling at *(INSERT ADDRESS)* will terminate on *(INSERT DAY/MONTH/YEAR)*.<sup>4</sup> This is the “termination date”.

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 you have breached your tenancy obligations by failing to pay rent and have not remedied this breach following the warning notice issued to you on *(INSERT DATE WARNING NOTICE GIVEN TO TENANT)*.

The amount of rent owed on the date of this notice is *(INSERT AMOUNT)*. This rent amount is calculated as follows:

*(INSERT SPECIFIC BREAK DOWN E.G. RENT AMOUNT IS €XX PER MONTH. 5 MONTHS' RENT IS OWED).*

### 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 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

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<sup>4</sup> A tenant must receive the correct number of days' notice as prescribed by s.67(2)(aa) or (b)(ii) of the Residential Tenancies Act 2004 (as amended). For failure to pay rent this must be 28 days' notice. 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.

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)***.<sup>5</sup> ***(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>*

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<sup>5</sup> 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](mailto: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).