

EXPLANATORY NOTE

TERMINATING A TENANCY – SERIOUS ANTI-SOCIAL BEHAVIOUR (7 DAYS' NOTICE)

Important - please read carefully before completing the notice of termination¹

REQUIREMENT TO SERVE TENANT AND 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 for more information on how to terminate a tenancy.

REQUIREMENTS WHEN TERMINATING A TENANCY FOR SERIOUS ANTI-SOCIAL BEHAVIOUR

A landlord can terminate a tenancy for serious anti-social behaviour by serving a notice of termination that gives the tenant 7 days' notice that the tenant must vacate. No warning notice is first required to be sent to the tenant in relation to his/her behaviour.

The legislation specifies what constitutes serious anti-social behaviour. It is behaviour of the tenant that:

- constitutes the commission of an offence that is reasonably likely to directly affect the well-being or welfare of others;
- causes (or could cause) fear, danger, injury, damage or loss to any person living, working or otherwise lawfully in the dwelling concerned or its vicinity, including violence, intimidation, coercion, harassment or obstruction of or threats to any such person;²

The behaviour of the tenant must fall into at least one of the above categories to lawfully terminate a tenancy by giving just 7 days' notice. The landlord must be in a position to prove that the alleged conduct has occurred.

If the behaviour of the tenant falls short of the above conduct but is persistent behaviour that interferes with another tenant or a neighbour's peaceful occupation of their property, the landlord must serve a warning notice on the tenant giving them a reasonable opportunity to remedy their behaviour. If the tenant fails to do so, the landlord may serve a notice on the tenant giving him/her 28 days' notice that the tenancy is terminating. The notice of termination to be used in this circumstance is the standard notice of termination for breach of obligation which can be found at www.rtb.ie.

- End of explanatory note -

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.

² Section 17(1)(a) and (b) and 67(2)(a)(i) RTA 2004.

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

- Serious anti-social behaviour (7 days' notice)-

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

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 engaging in serious anti-social behaviour 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.

DATE OF SERVICE

This notice is served on **you the tenant and the RTB on *(INSERT DAY/MONTH/YEAR)***.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

³ A tenant must receive 7 days' notice as prescribed by s.67(2)(a)(i) 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.

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).

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>