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IPOA News



Official Newsletter of the Irish Property Owners' Association,
the National Landlords' Representative Organisation

Editorial

We have a new Government and hopefully property owners will get a fair hearing from them, not like the previous Government where we were lambasted with regulation, compliance taxation etc.

Positive news, we have been successful in having Rent Supplement levels increased quite significantly after 8 years of demands. We worked hard, contacted left right and centre for this outcome and, hopefully, this is the start of some progressive steps to control the exodus of property owners from the sector.

Recently, we made a submission on the private rental sector to the Oireachtas Committee on Housing and Homelessness. We were invited to make a presentation, which we did and gave a comprehensive outline of the difficulties in the sector. I felt that we had been listened to, but then again, time will tell. I was accompanied on this occasion by Tom O'Brien, Cathal Lawlor and Margaret McCormick and I must thank them for their contribution to the debate, which was not easy, but effective.

Some of you will have noted the outburst by Minister John Halligan (Minister of State for Education and Skills) in which he stated that "If I could bring in legislation to goddamn jail landlords, I would jail the bastards". If he had his way he would introduce legislation that would send landlords to jail.

We took the matter seriously and issued a press release. The press questioned Minister Halligan who responded by reiterating his comments. We requested T.D.'s to ask questions in the Dáil on the outburst, but no one would ask. We outlined our concerns to the Taoiseach, Tánaiste, the Minister for Justice, Minister for Education and Minister for Environment.

We received one line acknowledgements of our correspondence with no further action outlined. This is a display of closed ranks; however, we will continue to pursue the matter. We also wrote to Minister Halligan and have not as yet received a reply.

Dan O'Brien, Economist and Columnist with the Irish Independent wrote an excellent article on the matter and really outlined his thoughts clearly and responsibly.

The private rental sector is experiencing a huge shortage of supply, which must be addressed, as it is putting stress on foreign investment to support staff living costs and will ultimately effect foreign direct investment in Ireland. The State should be listening and supporting the sector!



Stephen Faughnan
Chairman

Stephen Faughnan
Chairman



Contents

Editorial	1
Rental Property and Water Charges	1
Landlords Condemn Halligan	2
Information Evening Gresham Hotel	2
Limerick Information Evening	2
New Discriminatory Ground	2
Understanding Rent Reviews	3
IPOA Addressed Oireachtas Committee	4
Report of Housing Committee	4
Establishment of Water Commission	5
New Director of RTB	5
Rent Supplement Limits	6
Terminating Tenancies	6/7
Rent Arrears	8
App for Managing Rental Property	8
Pinergy Challenge	8
Fire Safety Update	8
UIPI Update	8

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Rental Property and Water Charges.

The Water Services (Amendment) Bill 2016 is going through Committee Stage with further amendments being proposed. This means that there is no clarity on the commencement or duration of the suspension.

- The requirement to pay charges if selling a dwelling remains unchanged.
- The requirement to pay amounts already billed remains.

As the landlord of a domestic property, you are advised to contact Irish Water and provide the names of your tenants and the start date of the tenancy within 20 working days of the commencement date of the letting. This will ensure that you are no longer liable for water charges while the tenants remain at the property.

Ensure you keep a record including the date, time and call reference, or copy email correspondence or letter on your file.

Under Section 47 of the Environment (Miscellaneous Provisions) Act 2015, if tenant information is not provided within 20 working days of an agreement start date, the owner of the property will be liable for water charges until the names of the tenants and tenancy commencement is provided to Irish Water.

A property owner is responsible for the water charges during vacant periods.

LANDLORDS CONDEMN HALLIGAN

The Irish Property Owners Association (IPOA) has launched a blistering attack on the new Minister of State for Education & Skills, John Halligan, over offensive and undignified remarks made in public statements about Irish landlords.

Speaking to IPOA members, Stephen Faughnan, IPOA Chairman, said that Minister Halligan's remarks "border on incitement to hatred and could be contrary to legislation on incitement to hatred" and that the Minister of State should seriously consider his Government position "given his crucial role in Irish education". Mr Faughnan went on to say that the comments were "despicable, filthy and foul mouthed" and do not represent the crucial role played by the providers of good quality affordable accommodation to over 700,000 people".

Minister Halligan's comments, published online and in other outlets, were that he would "jail the bastards", referring to landlords, which Mr Faughnan said were followed by "even stronger language using a string of Anglo-Saxon expletives".

"It is outrageous for a Member of the Government to publicly denigrate a body of people who are crucial to solving the housing situation," said Mr Faughnan. "Responsibility for rent increases lies solely with successive Government policy which practically insists that landlords should offer a free service to their customers instead of being considered as business partners in the housing solution".

Information Evening Gresham Hotel

An information evening has held in the Gresham Hotel in central Dublin on the 15th March 2016. It was a well-attended meeting, with over 200 attendees. Stephen Faughnan chaired the meeting. Guest speaker on the evening was Maeve Hogan, CEO of the Property Services Regulatory Authority. She detailed their role and the requirements for property owners letting for commercial gain to be licenced. She briefly went through the requirements to re-apply for a licence which now has to be done online.



**Maeve Hogan CEO
Property Services
Regulatory Authority**

Recent legislative changes including the changes to the Equality (Miscellaneous Provisions Act 2015), and the Residential Tenancies Acts, were detailed. The requirements on rent increases are much more complex and also for notices to terminate tenancies. As usual there was a questions and answers session where clarity was given on a number of queries. Stephen outlined some of the history of the proposed deposit protection scheme. He stated why it was unnecessary, and that the IPOA are still fighting against its introduction. A Compensation scheme would be cheaper, more cost effective and user friendly and much more beneficial for the private rental sector.

Limerick Information Evening



At a recent Cork Meeting an IPOA Member suggested that we hold an information evening in Limerick. IPOA Limerick members on the ground spent a considerable amount of time organising it and drumming up support. It was held in the O'Brien Suite in the Castletroy Park Hotel on the 23rd February at 7.30pm. Around 130 people attended.

The meeting was chaired by Stephen Faughnan and the guest speaker was Maeve Hogan of the Property Services Regulatory Authority. Maeve gave a brief presentation on the requirements to renew licences with the PSRA and responded to questions asked from the floor.

Margaret McCormick gave an outline of legislation on Standards and an update on the recent changes in the Residential Tenancies Acts and water charges.

Stephen Faughnan outlined details of the organisation, its background and role. He then detailed the different types of letting and their uses.

There was an extensive question and answers session and the meeting ended at 9.45pm.

We would like to take the opportunity to thank the IPOA Members who took time from their busy lives to organise the attendance at the meeting. Their help was integral to the success of the evening.

Refusing to accept tenants solely on the basis of being in receipt of Housing Assistance Payments is illegal

As of the 1st January 2016, the Equality (Miscellaneous Provisions) Act 2015 has introduced "housing assistance" as a new discriminatory ground. This means that people in receipt of rent supplement, housing assistance payments or other social welfare payments can no longer be discriminated against in relation to the provision of accommodation or related services or amenities. It is against the law.

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to discriminate on the housing assistance ground.

It is now illegal to refuse prospective tenants solely on the basis that they are in receipt of a rent supplement or other state supports.

Landlords must remove any prohibitions on tenants in receipt of rent supplement from their advertisements, rent agreements and instructions to letting agents.

It is also against the law to end a tenancy on the basis of a tenant receiving a rent supplement or other state supports.

An advertiser may be held liable for discrimination on the housing assistance ground if they publish or display an advertisement which serves to discriminate or could reasonably be understood as indicating such an intention.

Existing equality legislation already protects against discrimination in accommodation on the grounds of gender, civil status, family status, age, race, religion, disability, sexual orientation, and membership of the Traveller community as grounds for discrimination.

Examples of discrimination on the basis of housing assistance

- Discrimination on the housing assistance ground include -
- Using phrases such as ‘rent supplement not accepted’, ‘professionals only’ in property advertisements;
- Refusing to allow a person to view a property;
- Refusing to let a property;
- Including a discriminatory term or condition in a lease, tenancy agreement or licence agreement, whether oral or verbal;
- Refusing to renew a lease, tenancy agreement, or licence agreement;

- Terminating a lease, tenancy agreement, or licence agreement;
- Withdrawing or restricting access to services related to accommodation;

on the basis that the person concerned is in receipt of rent supplement, housing assistance payments, or other social welfare payments.

It is not discriminatory to refuse a tenant solely on the grounds that the tenant cannot afford the appropriate market rent. Where the level of rent supplement or housing assistance payment is not sufficient to meet the market rent, a landlord is not required to let the property to the prospective tenant.

Residential Tenancies Act 2004 Revised Updated to 9th May 2016 is available on www.lawreform.ie.

Understanding Rent Reviews

The legislation around rent reviews is complex and they must be carried out correctly to ensure its validity.

The definition of market rent did not change in the amendment legislation and means “ the rent which a willing tenant not already in occupation would give and a willing landlord would take for the dwelling, in each case on the basis of vacant possession being given, and having regard to—

- (a) the other terms of the tenancy, and
- (b) the letting values of dwellings of a similar size, type and character to the dwelling and situated in a comparable area to that in which it is situated.”

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- A rent review cannot occur in the first 24 months of a tenancy.
- A rent review cannot occur more frequently than 24 months since the last rent review in the tenancy. At least 90 days notice in writing has to be given in advance of the variation of the rent containing items laid down in legislation. Effectively this means that it will be 27 months for the first increase.
- Where a tenant is in a property for 6 months and no notice of termination has been served, the tenancy continues for a 4 year period, this is referred to in legislation as a Part 4 tenancy.
- A property owner can terminate a tenancy every 4 years, by serving the correct notice of termination. Alternatively a landlord can offer the tenant a further tenancy in the property. The rent of this tenancy may be different than the previous tenancy even where the rent has been varied recently. A new tenancy is being offered and the terms may differ from the previous tenancy including the rental amount.

Tenant to be notified of new rent.

A notice of rent increase has to contain the following items:-

22.—(1) The setting of a rent (the “new rent”) pursuant to a review of the rent under a tenancy of a dwelling and which is otherwise lawful under this Part shall not have effect unless and until the condition specified in subsection (2) is satisfied.

(2) That condition is that, at least 90 days before the date from which the new rent is to have effect, a notice in the prescribed form is served by the landlord and must include the items below; -

State the amount of the new rent and the date from which it is to have effect.

Include a statement that a dispute in relation to the setting of a rent pursuant to a review of the rent under a tenancy must be referred to the Board under Part 6 before—

- (i) the date stated in the notice as the date from which that rent is to have effect, or
- (ii) the expiry of 28 days from the receipt by the tenant of that notice, whichever is the later,

include a statement by the landlord that in his or her opinion the new rent is not greater than the market rent, having regard to— (i) the other terms of the tenancy, and (ii) letting values of dwellings of a similar size, type and character to the dwelling that is the subject of the tenancy, and situated in a comparable area to that in which the dwelling the subject of the tenancy concerned is situated,

Specify, the amount of rent sought for 3 dwellings (In this section amount of rent sought means the amount of rent specified for the letting of a dwelling in an advertisement, the date of which falls within the period of 4 weeks immediately preceding the date of notice) (i) of a similar size, type and character to the dwelling that is the subject of the tenancy, and (ii) situated in a comparable area to that in which the dwelling the subject of the tenancy concerned is situated,



Be signed by the landlord or his or her authorised agent.

And include the date on which the notice is signed.

Notices can be obtained from the IPOA

IPOA Addressed the Oireachtas Committee on Housing and Homelessness

The IPOA gave a written submission to the Committee on Housing and Homelessness on the 20th May 2016.

Following the submission the IPOA were invited to make a presentation on the 24th May 2016. The Association outlined the difficulties in the sector and the items that need to be addressed.

Outlined hereunder the items requested by the IPOA:-

- Urgent revision of Central Bank Lending Rules.
- Real action on excessively high mortgage interest rates.
- Mortgage Interest Relief restored to 100%
- Legitimate Expenses to be allowed.
- Law to be amended to reflect the fact that the buy-to-let sector is a business.
- Consideration should be given to the reintroduction of targeted Capital Allowance Schemes for investment in appropriate, quality housing in areas of high demand.
- Reduce and simplify existing legislation in the sector.
- Allow bedsits with bathrooms designated for the sole use of the unit.
- **Review HAP and Rent Supplement.***
- Allow an exemption from Income Tax for Long Term Letting.
- Abolish proposed Deposit Protection Scheme.
- Refurbishment Funding Required.

*Now granted

Report of the Oireachtas Committee on Housing and Homelessness

The report of the Committee on Housing and Homelessness was issued in June 2016. The report is unfortunately unbalanced. It focused on increasing the rights of tenants without taking into account the rights of landlords. It appears to ignore the rights of one section of Irish Citizens in favour of another group of Irish Citizens which was found to be unconstitutional in the past.

Priority Recommendations of the Report of the Committee on Housing and Homelessness

- Increase the social housing stock (owned by local authorities and approved housing bodies) by at least 50,000 units (an annual average of 10,000 per year) through a programme of acquisition, refurbishment and new build.
- Reduce the Part 8 planning process from 8 to 6 weeks. Where there are unreasonable delays beyond the 6 weeks, emergency powers (such as the statutory provisions of section 179 of the Planning and Development Act) should be invoked. Also, encourage greater use of Part 8 for AHBs where appropriate as it is for local authorities for a period of 18 months.
- The Minister should consider the establishment of a Housing Procurement Agency with staff from the Housing Agency, NTMA, Department of Housing, Planning and Local Government, and the Department of Finance to assist local authorities and approved housing bodies to deliver their social housing programme through supports including funding and procurement.
- Introduce a system of rent certainty by linking rent reviews to an index such as the Consumer Price Index (CPI) and review annually.
- Increase security of tenure and protection from evictions for tenants by: Introducing a scheme whereby a housing association or local authority can purchase a rental property from an exiting investor (Rent switch programme).

- Increasing security of tenure from the current 4 year period.
- Establishing legal safeguards to allow tenants to remain in situ during and after sale of property.
- Amend the Residential Tenancies Act to outlaw the sale of property as grounds for evicting a tenant, except in exceptional circumstances where severe financial hardship can be proven by the landlord.
- The Government should, at a minimum, before the summer Recess and as a matter of urgency, fully and quickly implement the programme for Government's strategy to deal with mortgage arrears.
- Subject to advice of the Attorney General, the Government should introduce legislation for a moratorium on home repossessions until such time as the Government's proposals are in place.
- Increase the use of long-term solutions to mortgage distress, including Mortgage-to-Rent (MTR), split mortgages, debt write downs and downsizing.
- The Government should urgently seek flexibility from the European Commission on the application of the EU fiscal rules to the financing of social housing.
- The Government should provide the maximum possible direct Exchequer investment in the provision of social housing in the Capital Programme.
- The Government should establish an off-balance sheet funding mechanism to provide additional investment in social and affordable housing.
- The Government should seek to mobilise as quickly as possible, all possible sources of funding, including funding from the Housing Finance Agency, Strategic Investment Fund, the Irish League of Credit Unions and Irish Pension Funds, to increase the supply of social and affordable housing.
- Rent Supplement and Housing Assistance Payments should be increased to reflect current market rates, and appropriate legislative safeguards should be put in place to ensure rent certainty.
- Amend the National Asset Management Agency Act 2009 (S.2 and S.10) to allow NAMA to be an agent for the provision of social housing.
- NAMA should use its cash reserves to tackle the housing and homelessness crisis.
- Reinstate the policy of ring-fencing 50% of local authority allocations to the priority list in Dublin and other areas where homelessness is acute. The policy should be reviewed every six months and should ensure that the needs of longterm homeless people are met.
- Ensure that no homeless shelters are closed until alternative accommodation is available elsewhere.
- Housing First should be significantly expanded and prioritise the long-term homeless.
- There should be increased resourcing for and improved coordination between HSE mental health services and homeless service providers to ensure that the needs of people with mental health issues are met within the homeless system.

Establishment of Expert Commission on Domestic Public Water Services

The Minister for the Environment, Community and Local Government, Mr Simon Coveney, T.D. announced the establishment of the Expert Commission on the funding of domestic public water services in Ireland.

The Expert Commission will have 8 independent members and an independent secretariat will be provided by the Institute of Public

Administration. The following results are expected:-

Commission to report and present its recommendations to the Special Oireachtas Committee within five months of its establishment i.e. by end November 2016;

Special Oireachtas Committee to deliberate the findings and to report back to the Oireachtas within 3 months of receiving the recommendations of the Expert Commission i.e. by end February 2017; and

Oireachtas to consider and vote upon the recommendations of the committee within a one month period i.e. by end March 2017.

New Director of RTB

Rosalind Carroll was appointed Director of the Residential Tenancies Board in April 2016 and holds a Masters from the London School of Economics. She has considerable experience in the housing sector, having been Head of Regulation of Approved Housing Bodies at the Housing Agency and also previously worked in the Department of Environment, Community and Local Government and Dublin City Council.



Rosalind Carroll
Director of the Residential Tenancies Board



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Rent Supplement Increased

The IPOA have been calling for increases to the Rent Supplement levels for a number of years. Finally the call has been answered.

Minister for Social Protection Leo Varadkar and Minister for Housing, Planning & Local Government Simon Coveney have confirmed that Cabinet has agreed to increase rent limits under the Rent Supplement and Housing Assistance Payment (HAP) schemes.

New rent limits from 1 July 2016

County	Single Shared	Couple Shared	Single	Couple	Couple/One Parent Family - 1 Qualified Child	Couple/One Parent Family - 2 Qualified Children	Couple/One Parent Family - 3 Qualified Children
Dublin - Fingal	€400	€440	€660	€900	€1,150	€1,175	€1,200
Dublin - Not Fingal	€430	€500	€660	€900	€1,250	€1,275	€1,300
Carlow	€270	€290	€440	€510	€570	€600	€630
Cavan	€190	€220	€380	€420	€450	€470	€490
Clare	€220	€240	€360	€400	€480	€515	€550
Cork	€300	€330	€550	€650	€900	€925	€950
Donegal	€200	€230	€340	€370	€410	€470	€520
Galway	€330	€360	€575	€650	€850	€875	€900
Kerry	€200	€230	€380	€410	€525	€550	€575
Kildare	€290	€350	€500	€585	€800	€835	€870
Kilkenny	€230	€270	€480	€530	€630	€660	€690
Laois	€240	€280	€420	€433	€580	€610	€630
Leitrim	€200	€220	€340	€370	€450	€475	€500
Limerick	€270	€300	€420	€450	€650	€700	€750
Longford	€180	€200	€330	€350	€400	€425	€450
Louth	€250	€290	€460	€480	€660	€690	€720
Mayo	€200	€220	€390	€410	€480	€500	€520
Meath	€240	€310	€460	€500	€730	€740	€750
Monaghan	€200	€220	€330	€390	€500	€515	€530
Offaly	€210	€230	€380	€433	€550	€575	€600
Roscommon	€240	€260	€360	€390	€500	€525	€550
Sligo	€220	€250	€460	€490	€550	€575	€600
Tipperary	€210	€230	€380	€420	€525	€560	€600
Waterford	€240	€270	€430	€450	€550	€575	€600
Westmeath	€220	€240	€450	€470	€600	€625	€650
Wexford	€280	€300	€420	€433	€530	€565	€600
Wicklow	€250	€300	€440	€475	€700	€735	€770
M4-M1 Commuter Belt Area	€310	€350	€575	€650	€975	€1,050	€1,100
Wicklow M11 Commuter Towns	€370	€410	€660	€900	€1,150	€1,200	€1,250

Terminating Tenancies

Rules and regulations around terminating tenancies have recently been amended. It is more complex and some notices need to contain elements or have accompanying items to be valid.

Contact the office prior to serving to get advice and templates of the notices.

Notice of terminations must comply with section 62 and contain the following items: —

Requirements for a valid notice of termination.

62.—(1) A notice of termination to be valid shall—

Every county or county sub-district in Ireland has a maximum rent limit, within which Rent Supplement can be paid. The rent limits are benchmarked at the 35th percentile of agreed rents as collated by the Residential Tenancies Board.

In recognition of the continued shortage of supply in the rental market, discretion will continue to be available under the Rent Supplement scheme. The capacity of local authorities to make discretionary enhanced payments will be extended to all authorities operating HAP. Advice and advocacy will also continue to be available under the Tenancy Protection Service operated by Threshold.

- (a) be in writing,
- (b) be signed by the landlord or his or her authorised agent or, as appropriate, the tenant,
- (c) specify the date of service of it,
- (d) be in such form (if any) as may be prescribed,
- (e) if the duration of the tenancy is a period of more than 6 months, state (where the termination is by the landlord) the reason for the termination,
- (f) specify the termination date, that is to say, the day (stating the month and year in which it falls)—

- (i) on which the tenancy will terminate, and
- (ii) on or before which (in the case of a termination by the landlord) the tenant must vacate possession of the dwelling concerned, (and indicating that the tenant has the whole of the 24 hours of the termination date to vacate possession),
- and
- (g) state that any issue as to the validity of the notice or the right of the landlord or tenant, as appropriate, to serve it must be referred to the Board under Part 6 within 28 days from the date of receipt of it.
- (2) Subsection (1) is without prejudice to Chapter 4 and section 81(3) (which specify additional requirements in respect of a tenancy that has been sub-let).

Terminating a Tenancy for Landlords Own Use or Family Member Additional Requirements

Where the landlord requires the dwelling or the property containing the dwelling for his or her own occupation or for occupation by a member of his or her family and the notice of termination must contain or be accompanied by a **statutory declaration**:-

- (a) specifying—
- (i) the intended occupant's identity and (if not the landlord) his or her relationship to the landlord, and
- (ii) the expected duration of that occupation,
- and
- (b) that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if the contact details requirement is complied with and the following conditions are satisfied—
- (i) the dwelling is vacated by the person referred to in subparagraph (a) within the period of 6 months from expiry of the period of notice required to be given by the notice or, if a dispute in relation to the validity of the notice was referred to the Board under Part 6 for resolution, the final determination of the dispute, and
- (ii) the tenancy to which the notice related had not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in paragraph 1, 2, 3 or 6 of this Table.

The reference to a member of the landlord's family is a reference to any spouse civil partner within the meaning of the Civil Partnership and

Certain Rights and Obligations of Cohabitants Act 2010, child, stepchild, foster child, grandchild, parent, grandparent, step parent, parent-in-law, brother, sister, nephew or niece of the landlord or a person adopted by the landlord under the Adoption Acts 1952 to 1998.

Terminating for selling

The whole paragraph below needs to be put into the notice and the notice needs to be accompanied by a **statutory declaration**, together with the requirements of Section 62 above.

The landlord intends, within 3 months after the termination of the tenancy under this section, to enter into an enforceable agreement for the transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling and the notice of termination is accompanied by a statutory declaration.

Members are advised to have a brief conversation with the office to clarify everything and to get a template for the notice.

Notice of Termination Periods

Duration of Tenancy	Landlord Number of Days	Tenant Number of Days
Less than 6 months	28	28
6 months or more but less than a year	35	35
1 year or more but less than 2 years	42	42
2 years or more but less than 3 years	56	56
3 years or more but less than 4 years	84	56
4 years or more but less than 5 years	112	84
5 years or more but less than 6 years	140	84
6 years or more but less than 7 years	168	84
7 years or more but less than 8 years	196	84
8 years or more	224	112



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Rent Arrears

When rent arrears occur, a property owner needs to act immediately. It is a two step process.

Step 1: Notice must be served informing the tenant that an amount of rent is due and giving 14 days to pay.

Step 2: If the tenant fails to pay the rent due within 14 days of receipt of the notice the landlord may serve a valid Notice of Termination giving at least 28 days notice.

More details and copies of the notices are available from the office.

App for Managing Rental Property

An App has been developed by EPM Group to assist in the management of rental property. A pilot scheme was held in the IPOA Office on the 28th May. It includes a digital Agreement which allows for inventory photographs to be integrated into the agreement and which can be emailed to both parties, a client management system, accounts system and is designed for property owners. This system may be of interest to members and is suitable for android phones, tablets and laptops.

Pinergy Challenge

The IPOA is a not for profit organisation and funded through membership and some sponsorship. One of these sponsors is Pinergy who have been sponsoring the Association for a number of years. Pinergy have challenged the IPOA to give them 500 properties in a year. If we can do that they have pledged to give the Association €20,000.

Come on Members - Support the Challenge!

Fire Safety Rules around Portable Fire Extinguishers

There should be a responsible person nominated for ensuring that portable fire extinguishers (PFE) are maintained according to Standard 291:2015. The person must ensure that PFE's are inspected frequently.

Check the year of manufacture of the PFE. Any water, foam, wet chemical and/or dry powder/chemical PFEs still in service, manufactured 10 years before the date of maintenance, will no longer comply with Standard 291:2015.



UIPI Update

The International Union of Property owners continue to work on behalf of property owners in Europe. They have recently updated UIPI members and made submissions on the following:-



- New Deal for Energy Consumers,
- Energy Efficiency Directive,
- European Agenda for a collaborative economy.

Reduced Electricity Costs



Delivering Profit
Through Partnership

*'PINERGYsmart has saved me €'000's
and hugely reduced my administration
costs' Jack Keane*



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