**Notice of Termination for Selling**

**Landlord intends to sell the dwelling**

A Landlord is entitled to terminate a Part 4 tenancy where they intend, within 9 months months after the termination date, to enter into a binding contract for the transfer to another for full consideration of his or her interest in the dwelling or property containing the dwelling. The notice of termination must be accompanied by a **statutory declaration** which includes a declaration that:-

1. The landlord intends to enter into an enforceable agreement to transfer to another, for full consideration, the whole of his or her interest in the dwelling or the property containing the dwelling, and
2. The landlord is required to offer to the tenant the option of a tenancy if I do not enter into an enforceable agreement to transfer to another, for full consideration, the whole of my interest in the dwelling or the property containing the dwelling, within a period of 9 months from the expiry of the notice period in the notice of termination or if a dispute in relation to the validity of the notice is referred to the Residential Tenancies Board, the final determination of the dispute and the tenancy to which the notice relates had not otherwise been validly terminated by the grounds specified in the Table to Section 34 of the Residential Tenancies Act 2004-2019.
3. Where the landlord intends to sell 10 or more dwellings (the Tyrellstown amendment), a declaration that the restriction on the sale of 10 or more dwellings (see section 35A) does not apply to the said notice as the price to be obtained by selling at market value the dwelling that is subject to a Part 4 tenancy is **more than 20 per cent** below the market value that could be obtained for the dwelling with vacant possession, and that the application of the restriction on such a sale would, having regard to all the circumstances of the case be unduly onerous on or would cause undue hardship on the landlord.

The notice may be served on the tenant in person, may be left at the rented dwelling, or sent by express post to the tenant at the dwelling. Keep a copy for your records. If it is sent by registered post and not accepted by the tenant it is not served.

Subject to the terms of any letting agreement in place, **the notice period to terminate a tenant’s tenancy is determined by the duration of the tenancy**, as follows:

**Notice Periods for Property Owners to serve on Tenant**

|  |  |
| --- | --- |
| **Duration of Tenancy** | **Number of Days** |
| Less than 6 months | 28 |
| 6 months or more but less than a year | 90 |
| 1 year or more but less than 2 years | 120 |
| 2 years or more but less than 3 years | 120 |
| 3 years or more but less than 4 years | 180 |
| 4 years or more but less than 5 years | 180 |
| 5 years or more but less than 6 years | 180 |
| 6 years or more but less than 7 years | 180 |
| 7 years or more but less than 8 years | 196 |
| 8 years or more | 224 |

These are the statutory minimum periods; **it is wise to allow a few extra days** to ensure that the tenant’s rights are upheld. You do not count the date of service of the notice when calculating the notice period. The first day is the day after it is served. Give extra days to be certain of getting it right.

If there is a fixed term tenancy in place and no clause in the lease agreement allowing the notice to be served, you will have to wait until the end of the fixed term before serving the notice.

If you are serving notice to a number of pre63 units, it is advisable to contact the office to discuss prior to giving the notice.

It may not be advisable to sign a contract for sale where vacant possession is required until the tenants have left and the property is vacant.

**Notice of Termination - Selling a Property**

To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The tenancy of the dwelling at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will terminate on the \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_\_. You must vacate and give up possession of the dwelling on or before the termination date.

The reason for the termination of the tenancy is due to the fact that the landlord intends, within 9 months of the termination date, 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.

The landlord will offer you the opportunity to re-occupy the dwelling if:

1. The landlord does not enter into an enforceable agreement stated above within the period of 9 months from expiry of the period of notice given by this notice of termination or, if a dispute in relation to the validity of the notice is referred to the Board under Part 6 for resolution, the final determination of the dispute;
2. The tenancy to which this notice relates has not otherwise been validly terminated by reason of a ground specified in paragraph 1, 2 or 6 of the Table to section 34 of the Residential Tenancies Acts 2004 to 2019;
3. You provide your contact details to the landlord, in writing, within 28 days from the service of this notice or the final determination of a dispute referred to the Board relating to the validity of this notice and you notify the landlord as soon as possible of any change in your contact details. Please note that the requirement to provide contact details to the landlord applies irrespective of whether the landlord already holds your contact details.

You have the whole of the 24 hours of the termination date to vacate and give up possession of the above dwelling. Any issue as to the validity of this notice or the right of the landlord to serve it, must be referred to the Residential Tenancies Board under Part 6 of the Residential Tenancies Acts 2004 to 2019 within 28 days from the date of receipt of it.

**Completed Statutory Declaration attached and served with notice.**

This notice is served on \_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Landlord

**Please note -** In order to ensure that there is no delay on returning the deposit, I would suggest carrying out inspections on \_\_\_/\_\_\_\_/\_\_\_\_ and/or \_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_ Please let me know which date/time is convenient for you.

**Statutory Declaration for Landlord intending to sell the dwelling**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do solemnly and sincerely declare that I intend, within a period of nine months after the termination date, to enter into an enforceable agreement to transfer to another, for full consideration, the whole of my interest in the dwelling or the property containing the dwelling.

**Note -** Where the purported sale is intended to be part of the sale of 10 or more units as defined under section 35A of the Residential Tenancies Acts 2004 – 2019, and the tenancy concerned is a Part 4 tenancy, the Statutory Declaration is required to declare whether or not Section 35A(3)(a) applies. Where it applies, the declaration should reflect the wording under section 35(8)(b) of the Residential Tenancies Acts 2004 – 2019.

I understand that I am required to offer to the tenant the option of a tenancy if I do not enter into an enforceable agreement to transfer to another, for full consideration, the whole of my interest in the dwelling or the property containing the dwelling, within a period of **nine months** from the expiry of the notice period in the notice of termination or if a dispute in relation to the validity of the notice is referred to the Residential Tenancies Board, the final determination of the dispute and the tenancy to which the notice relates had not otherwise been validly terminated by the grounds specified in the Table to Section 34 of the Residential Tenancies Act 2004-2019.

The opportunity to occupy requires the tenant to provide contact details to the landlord **within 28 days from the service of the Notice of Termination** or the final determination of a dispute referred to the Board as regards the validity of the notice, and the tenant notifies the landlord as soon as possible should the tenants contact details change.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

[**Declarant to Sign Here**] …………………………………………………………

**Declared** before me ………………………………………….. a [practising solicitor] [notary public] [[commissioner for oaths](http://www.citizensinformation.ie/en/justice/civil_law/commissioners_for_oaths.html)] [peace commissioner] [person authorised by [insert authorising statutory provision] …………………………………………….. to take and receive statutory declarations] by [**Insert Name of Declarant**]……………………………………………………….

Who is personally known to me / who has been identified to me by ……………………………… who is personally known to me and who has certified to me his/her personal knowledge of the declarant.

**Or**

The identity of the declarant has been established by me by reference to a [**Insert Identifying document\***] containing a photograph of the declarant.

This …………. day of …………….. 20………… at ………………………………….. [insert place of signature]

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

[**Signature of Witness**]

**\*Approved Identifying Documents to be provided to Witness of Statutory Declaration**

1. Passport issued by the authorities of an issuing State that is recognised by the Irish Government [passport number, date of issue and issuing State must be inserted]

2. National Identity Card issued by the authorities of an issuing State which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement [national identity card number, date of issue and issuing State must be inserted]

3. Aliens Passport issued by the authorities of an issuing State that is recognised by the Irish Government [passport number, date of issue and issuing State must be inserted]

4. Refugee Travel document issued by the Minister for Justice, Equality and Law Reform [document number and date of issue must be inserted]

5. Travel document (other than a refugee travel document) issued by the Minister for Justice, Equality and Law Reform [document number and date of issue must be inserted]