**Notice of Termination**

**(Landlord requires dwelling for family use)**

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

Your tenancy of the dwelling at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will terminate on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 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 that the landlord requires the dwelling or the property containing the dwelling for occupation by a member of his or her family.

The name of the family member is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the expected duration of his/her occupation is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ The relationship to the landlord is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

(a) the dwelling is vacated by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ within the period of 12 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;

(b) the tenancy to which this notice relates has not otherwise been validly terminated by reason of a ground specified in paragraph 1, 2, 3 or 6 of the Table to section 34 of the 2004 to 2019 Acts;

(c) you provide your contact details to the landlord 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

(d) you notify the landlord as soon as possible of any change in 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 Act 2004 as amended within 28 days from the date of receipt of it.

This notice is served on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Signed:

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

Landlord

**Statutory Declaration included with notice**

**Notes**

Where there is a fixed term tenancy with no break clause you cannot terminate for the use of a family member. You must wait until after the fixed term is complete. If there is a periodic tenancy in place a notice may be served to terminate the tenancy where the landlord requires the dwelling or the property containing the dwelling for the occupation by a member of his or her family

The reference to a member of the landlord's family is a reference to any spouse, 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.

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 Period**

|  |  |
| --- | --- |
| **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.

If less days than the statutory minimum are given, you have to commence the process again. Give extra days to be certain of getting it right.

**Sample Statutory Declaration for Landlord requiring dwelling for own or family member occupation**

I, [Insert Name], do solemnly and sincerely declare that I require the dwelling at [Insert Address] **OR** the property containing the dwelling at [Insert Address] for my own use **OR** for my [insert intended occupants name and relationship to landlord, e.g. my daughter Jane Doe] use for the period from [insert date] to [insert date or if indefinitely, ysou must state this here].

I understand that I am required to offer to the tenant the option of a tenancy if the dwelling is vacated by [insert intended occupants name and relationship to landlord] within a period of **twelve 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 …………….. 20XX 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]