**Guidance for landlords and tenants on serving a warning notice and Notice of Termination for rent arrears**

## **New Rent Arrears Procedure**

There is a new 6-step process which outlines the new rules and requirements for both landlords and tenants relating to tenancy terminations due to rent arrears Failure to adhere to these steps will lead to a Notice of Termination being deemed invalid.

**Step 1: A landlord must issue a warning notice to the tenant to pay back the rent arrears**

Where a tenant has fallen into rent arrears, they should contact their landlord to see if the issue can be resolved or a mutually satisfactory agreement can be reached.

Please see further information and examples of agreement templates to aid tenants and landlords in reaching their own payment plans [here](https://www.rtb.ie/forms-documents).

If it is not possible to resolve the issue of arrears, the landlord can proceed to serve a written rent arrears warning notice to give the tenant **a minimum of 28 days to pay the rent arrears**.

A landlord must serve a written rent arrears warning notice; 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 owed within the time provided will result in a Notice of Termination being served.

The RTB has a sample warning notice for rent arrears to support landlords which can be found [here](https://www.rtb.ie/forms-documents). The RTB would strongly encourage that you use this notice.

**Step 2: Landlords must serve a copy of the written rent arrears warning notice to the RTB**

Landlords must provide a copy of the 28-day written rent arrears warning notice that was served on the tenant to the RTB. The 28-day period will count from the date that both the tenant and the RTB have received the warning notice, so landlords are encouraged to send both notices at the same time.

**Please note that failure to submit a copy of the warning notice to the RTB will invalidate any related Notice of Termination.**

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

The RTB will write to the landlord acknowledging receipt of the written rent arrears warning notice and will provide information on landlords rights and the Dispute Resolution process.

The RTB will also write to the tenant confirming that the RTB received a copy of the written rent arrears warning notice that was served on them. In writing to the tenant, the RTB will also provide information on income supports, the RTB will ask for consent to refer the tenant to MABs and provide information on availability of advice from MABS and Citizens Information.

Upon receipt of such a notice from a tenant, the RTB shall assist the tenant in obtaining advice from MABS.

**Step 4: Service of Notice of Termination**

If the landlord has followed step 1-3 and the tenant has not repaid the rent arrears in full within the 28 days, the landlord can proceed to serve a 28 day Notice of Termination. They can serve this once the 28-day warning notice has expired.

**By law, from 1 August 2020, if Notice of Termination are served on tenants who have not paid rent arrears during the minimum 28-day warning the notice period to end the tenancy is a minimum of 28 days.**

**Step 5: Landlords must serve a copy of the Notice of Termination to the RTB**

A landlord must also send a copy of the Notice of Termination they have served on their tenant for rent arrears to the RTB (by email to [rentarrears@rtb.ie](file:///C%3A%5CUsers%5CMMcCormick%5CDownloads%5Crentarrears%40rtb.ie) or by post) on the same day they serve it on their tenant. Please note that if the landlord does not send the copy of the Notice of Termination to both the tenant and RTB, the Notice of Termination will be invalid.

Sample Notice of Termination for rent arrears can be found [here](https://www.rtb.ie/forms-documents).

**Step 6: RTB will contact the tenant informing them of their resolution options**

Upon receipt of the Notice of Termination for rent arrears, the RTB shall notify the tenant in writing of his or her right to refer a tenancy termination dispute to the RTB for resolution within 28 days of receipt of the Notice of Termination. Tenants will also be reminded of their rights and responsibilities under the Residential Tenancies Act 2004, as amended regarding rental payments.

Tenants should ensure to keep copies of notices received, . Tenants should also keep copies of the notice served on the RTB to receive advice from MABS, and any relevant MABS advice

For more information and support regarding these new steps, please contact the RTB at [www.rtb.ie](http://www.rtb.ie).

**PART B – SAMPLE WARNING NOTICE FOR RENT ARREARS**

To: (insert name of tenant(s))

This notice relates to your tenancy of the dwelling at:

(insert address of rented dwelling)

(Town, County, Eircode)

(Insert Registration Number RT)

Current rent amount: (insert rent amount)

Rent is paid: [ ] Weekly [ ] Monthly [ ] Annually

You have failed to pay rent in accordance with your obligations under the Residential Tenancies Acts 2004 to 2020.

As of today, the (insert date) you owe rent arrears of € (insert amount).

###### *(Please ensure the correct amount of arrears due at the time the warning notice is served is provided).*

Failure to pay 100% of the monies owed by the expiry of the 28 days\* entitles me to terminate your tenancy by serving a Notice of Termination on you.

This warning notice is served on: (insert date)

Signed:

(signature of Landlord or Authorised Agent)

Dated: (insert date)

**Copying\*:** The Residential Tenancies Board by post to PO Box 47, Clonakilty, County Cork or by email to rentarrears@rtb.ie.

\**Note: in accordance with section 67 of the Residential Tenancies Act 2004 as Amended, tenants should be given a minimum 28 days to pay the rent arrears.*

*\*Note: Landlords must submit a copy of the written rent arrears warning notice that was served on the tenant to the RTB. The 28-day period will count from the date that both the tenant and the RTB have received the warning notice, so landlords are encouraged to send both notices at the same time. Please note that failure to submit a copy of the warning notice to the RTB will invalidate any related Notice of Termination.*

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>

**PART C – SAMPLE NOTICE OF TERMINATION FOR RENT ARREARS**

To: (insert name of tenant(s))

Your tenancy at the dwelling of: (insert address of rented dwelling: Town, County, Eircode)

(Insert Registration Number RT)

will terminate on: (insert date)

***(Please see Step 8 (Service of Notice of Termination) for the termination notice period relevant to your tenancy. Note: In respect of a Notice of Termination, for counting purposes, day 1 of the notice period begins on the day immediately following the date of service of the notice. The RTB recommends that you give additional days when calculating the required notice period to ensure sufficient notice is provided).***

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 breach of tenancy obligations in that you have failed to pay rent on the dates it fell due for payment.

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 for dispute resolution to the Residential Tenancies Board under Part 6 of the Residential Tenancies Acts 2004 to 2020 within 28 days from the date of receipt of it. This means that if you wish to dispute the validity of this notice, you must submit a dispute resolution application to the RTB within 28 days of receiving this notice.

This notice is served on: (insert date)

Signed:

(insert signature of Landlord or Authorised Agent)

Dated: (insert date)

**Copying\*:** The Residential Tenancies Board by post to PO Box 47, Clonakilty, County Cork or by email to rentarrears@rtb.ie.

\**Note: You must serve a copy of the Notice of Termination on the Residential Tenancies Board on the same date as you serve it on the tenant(s). If you do not do this, then the Notice of Termination shall be deemed to be invalid.*

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>