

Notice of Termination
(Landlord requires dwelling for own/family use)

Where a Part 4 tenancy is in place, regardless of the expiry of a fixed term lease, the tenancy may only be terminated by the landlord pursuant to Section 34 of the Residential Tenancies Act (as amended) for the below listed reasons:

1. The tenant has failed to comply with the obligations of the tenancy (having first been notified, in writing, of the failure, and given an opportunity to remedy it)
2. The landlord intends to sell the dwelling within the next 3 months
3. The dwelling is no longer suited to the needs of the occupying household
4. The landlord requires the dwelling for own or family member occupation (*not applicable to Approved Housing Bodies*)
5. Vacant possession is required for substantial refurbishment of the dwelling
6. The landlord intends to change the use of the dwelling

For the last 3 listed grounds, the termination notice must contain certain additional details as specified in the Act relating to the tenant being given first refusal to resume the tenancy should the dwelling become available for re-letting.

Landlord requires the property for his / her own or for family member occupation

A Landlord is entitled to terminate a Part 4 tenancy where a 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 (the “notice”) contains or is accompanied, in writing, by a statement, specifying

- (a) (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.

In order to allow the tenants an opportunity to fix any issues you may have with regard to the property i.e. cleaning, repairs and replacements in excess of normal wear and tear, it is

recommended that you carry out an inspection a few days / weeks before the tenants are due to vacate and on the day they vacate the dwelling.

For Example: The duration of tenancy is 2 years or more but less than 3 years (a tenant is entitled to a minimum notice period of 56 days)

SAMPLE NOTICE OF TERMINATION

To: **(INSERT NAME)**

Your tenancy of the dwelling at **(Insert Address of Rented Dwelling)** will terminate on **XX/XX/XXXX**. 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 **[his or her own occupation / occupation by a member of his or her family] (delete as appropriate)**.

[Insert one of the following]:

The landlord, **[insert name]**, expects to occupy the dwelling for / until **[specify intended duration of occupation]**.

[or alternatively, if the intended occupant(s) is not the landlord]

[Insert name of intended occupant(s) and relationship to the Landlord] expects to occupy the dwelling for / until **[specify intended duration of occupation]**.

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

- (a) the dwelling is vacated by **[name of intended occupant(s)]** within the period of 6 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 2015 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 Acts 2004 to 2015 within 28 days from the date of receipt of it.

This notice is served on **XX/XX/XXXX**.

Signed:

A. N. Other

Landlord

Please note - In order to ensure that there is no delay in returning the deposit, I would suggest carrying out inspections on (INSERT DATE) and (INSERT DATE) at (INSERT TIME). Please let me know if this time is convenient for you.

In respect of a Notice of Termination, for counting purposes Day 1 begins on the day immediately following the date of service of the notice. The RTB recommend that you give additional days when calculating the required notice period to ensure sufficient notice is provided. The following examples give a couple of additional days.

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, you 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 six 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 (as amended). 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 accurate.

[Declarant to Sign Here]

Declared before me a [practising solicitor] [notary public] [[commissioner for oaths](#)] [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 201... at [insert place of signature]

[Signature of Witness]

***Approved Identifying Documents**

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]