Number 27 *of* 2004

RESIDENTIAL TENANCIES ACT 2004

REVISED

Updated to 1 March 2026

This Revised Act is an administrative consolidation of the *Residential Tenancies Act 2004*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), enacted 24 February 2026, and all statutory instruments up to and including the *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), made 27 February 2026, were considered in the preparation of this Revised Act.

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Number 27 *of* 2004

RESIDENTIAL TENANCIES ACT 2004

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Companies Acts 1963 to 2003	
Comptroller and Auditor General (Amendment) Act 1993	1993, No. 8
Conveyancing Act 1881	1881, c. 41
Conveyancing and Law of Property Act 1892	1892, c. 13
Criminal Law Amendment Act 1912	1912, c. 20
Equal Status Act 2000	2000, No. 8
European Parliament Elections Act 1997	1997, No. 2
Finance Act 1999	1999, No. 2
Health Act 1970	1970, No. 1
Health (Eastern Regional Health Authority) Act 1999	1999, No. 13
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Housing (Miscellaneous Provisions) Act 2002	2002, No. 9
Housing (Private Rented Dwellings) Act 1982	1982, No. 6
Housing (Traveller Accomodation) Act 1998	1998, No. 33
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Number 27 *of* 2004

RESIDENTIAL TENANCIES ACT 2004

REVISED

Updated to 1 March 2026

AN ACT TO PROVIDE—

(*a*) IN ACCORDANCE WITH THE EXIGENCIES OF THE COMMON GOOD, FOR A MEASURE OF SECURITY OF TENURE FOR TENANTS OF CERTAIN DWELLINGS,

(*b*) FOR AMENDMENTS OF THE LAW OF LANDLORD AND TENANT IN RELATION TO THE BASIC RIGHTS AND OBLIGATIONS OF EACH OF THE PARTIES TO TENANCIES OF CERTAIN DWELLINGS,

(*c*) WITH THE AIM OF ALLOWING DISPUTES BETWEEN SUCH PARTIES TO BE RESOLVED CHEAPLY AND SPEEDILY, FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS AN BORD UM THIONÓNTACHTAÍ CÓNAITHE PRÍOB-HÁIDEACHA OR, IN THE ENGLISH LANGUAGE, THE PRIVATE RESIDENTIAL TENANCIES BOARD AND THE CONFERRAL ON IT OF POWERS AND FUNCTIONS OF A LIMITED NATURE IN RELATION TO THE RESOLUTION OF SUCH DISPUTES,

(*d*) FOR THE REGISTRATION OF TENANCIES OF CERTAIN DWELLINGS, AND

(*e*) FOR RELATED MATTERS. [19*th July* 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Functions transferred and references to "Cathaoirleach" or "Cathaoirligh", "Leas-Chathaoirleach", "chief executive" and "deputy chief executive" construed (16.05.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), ss. 10, 23, 25, 26, 28 and sch. 1 parts 1, 2, S.I. No. 207 of 2024.

Functions of Mayor

10. (1) All functions (other than functions conferred by or under an enactment specified in Part 1 of Schedule 1) that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Mayor.

(2) All functions (other than functions conferred by or under an enactment specified in Part 2 of Schedule 1) that, immediately before the vesting day, vested in the chief executive of Limerick City and County Council shall, on and after that day, vest in the Mayor.

(3) From the vesting day, a reference in any enactment (other than an enactment specified in Part 1 of Schedule 1) to Cathaoirleach shall, in so far as the reference applies to the Cath-aoirleach of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires.

(4) From the vesting day, a reference in any enactment (other than an enactment specified in Part 2 of Schedule 1) to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires.

(5) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Functions of Príomh Chomhairleoir

23. (1) All functions conferred by or under an enactment specified in Part 1 of Schedule 1 that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Príomh Chomhairleoir.

(2) From the vesting day, a reference in an enactment specified in Part 1 of Schedule 1 to Cathaoirleach or Cathaoirligh shall, in so far as that reference applies to the Cathaoirleach of Limerick City and County Council, be construed as a reference to the Príomh Chomhairleoir, or as including a reference to the Príomh Chomhairleoir, as the context may require.

(3) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Functions of Leas-Phríomh Chomhairleoir

25. (1) All functions conferred by or under any enactment that, immediately before the vesting day, vested in the Leas-Chathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Leas-Phríomh Chomhairleoir.

(2) From the vesting day, a reference in any enactment to Leas-Chathaoirleach shall, in so far as that reference applies to the Leas-Chathaoirleach of Limerick City and County Council, be construed as a reference to the Leas-Phríomh Chomhairleoir, or as including a reference to the Leas-Phríomh Chomhairleoir, as the context may require.

(3) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with subsection (1).

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Deputy director general

28. (1) On and after the vesting day, a deputy chief executive appointed by the director general under section 148 of the Principal Act shall be known as the deputy director general of Limerick City and County Council and is, in this Act, referred to as the "deputy director general".

(2) The person who, immediately before the vesting day, was the deputy chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with subsection (1).

(3) On and after the vesting day, a reference in any enactment to deputy chief executive shall, in so far as the reference applies to the deputy chief executive of Limerick City and County Council, be construed as a reference to the deputy director general, or as including a reference to the deputy director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

PART 1

Enactments for Purposes of Sections 10 and 23

Number and Year (1)	Provision (2)	Extent of Modification (3)
No. 37 of 2001	Local Government Act 2001	Sections 11(5)(b), 11(8), 31(4)(a), 31(5), 31(7), 31(9), 31(11), 33, 34(2)(e), 36, 37, 38, 104(7)(a), 133(6)(a), 134(4)(b), 140(8), 141(1)(b), 141(4), 142(2)(a), 142(5)(f), 143(1), 147, 148, 158(3), 174(8), 178(2)(b), 178(5), 180(3)(a), 189(9), 190(9), 216(2)(a), 219(1) and 220(1); paragraphs 3(4), 4(2), 4(3), 6(1), 6(2), 6(3), 7(9), 10, 13(5)(e), 13(6) and 16(4)(c) of Schedule 10; paragraph 3 of Schedule 14.

PART 2

Enactments for Purposes of Sections 10 and 26

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 27 of 2004	Residential Tenancies Act 2004	The whole Act.
...	...	...

C2 Application of Act modified in relation to cost rental dwellings (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 32, S.I. No. 424 of 2021.

Application of Act of 2004

32. (1) Save insofar as it is excluded by this section or section 33, or otherwise inconsistent with this Part, the Act of 2004 shall—

(*a*) subject to subsection (2) of section 3 of the Act of 2004, apply to every cost rental dwelling, the subject of a tenancy, and

(*b*) notwithstanding paragraph (a), apply to a dwelling of a type referred to in subsection (2)(c) of section 3 of the Act of 2004.

...

C3 Application of Act restricted (11.01.2021) by *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 13, commenced as per s. 1(3).

Prohibition on rent increases during emergency period

13. Notwithstanding the Act of 2004—

(*a*) an increase in the rent under the tenancy of a dwelling that, but for this section, would take effect during the emergency period shall not take effect during that period, and

(*b*) an increase (other than an increase that came into effect before 11 January 2021) in the rent under the tenancy of a dwelling shall not be payable in respect of the emergency period or any period falling during the emergency period.

C4 Application of Act restricted for emergency period (27.03.2020 to 27.06.2020, extended to 20.07.2020 and to 1.08.2020) by *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), ss. 5-8, commenced on enactment, extended by S.I. No. 224 of 2020 and S.I. No. 254 of 2020.

Notices of termination under Act of 2004

5. (1) (*a*) A landlord shall not serve a notice of termination in relation to the tenancy of a dwelling during the emergency period.

(*b*) A tenant who, but for the operation of *subsection (1)*, would not acquire any rights under Part 4 of the Act of 2004 shall not, by virtue of such operation, acquire such rights.

(2) (*a*) Subject to *paragraph (b)*, where a notice of termination (that cites as a reason for the termination concerned the ground specified in paragraph 1 of the Table to section 34 of the Act of 2004) served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(*b*) If a dispute or complaint in respect of a matter that occasioned the giving of a notice to which *paragraph (a)* applies is referred to the Board in accordance with section 78 of the Act of 2004, that paragraph shall cease to have effect in relation to that notice—

(i) upon the expiration of 10 days from the making of a determination by an adjudicator under subsection (4) of section 97 of the Act of 2004 in relation to the dispute or complaint concerned save where an appeal from that determination is brought before the Tribunal, or

(ii) upon the making of a determination by the Tribunal under section 108 (other than a decision referred to in subsection (2) of that section) of the Act of 2004 in respect of such an appeal.

(3) Where a notice of termination (other than a notice of termination to which *subsection (1)* applies) referred to in section 34 of the Act of 2004 served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(4) (*a*) Where a notice of termination in respect of a tenancy of a dwelling of less than 6 months duration served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(*b*) A tenant shall not, by virtue of the operation of this subsection, acquire any rights under Part 4 of the Act of 2004.

(5) Section 67 of the Act of 2004 shall have effect during the emergency period as if, in *subsection (3)*, "28 days" were substituted for "14 days".

(6) In this section "revised termination date" means, in the case of a notice of termination served before the emergency period, the date immediately following the expiration of a period that consists of the aggregate of—

(*a*) the period of notice that remains unexpired on the commencement of the emergency period, and

(*b*) the emergency period.

(7) (*a*) Notwithstanding any of the provisions in this section, all proposed evictions in all tenancies in the State, including those not covered by the Act of 2004, are prohibited during the operation of the *Emergency Measures in the Public Interest (Covid-19) Act 2020*.

(*b*) For the avoidance of doubt, this section applies to all Local Authority and Approved Housing body dwellings.

(*c*) For the avoidance of doubt, all Travellers who are currently resident in any location should not during this crisis be evicted from that location except where movement is required to ameliorate hardship and provide protection and subject to consultation with the Travellers involved.

Prohibition on rent increases under Act of 2004

6. Notwithstanding the Act of 2004, an increase in the rent under the tenancy of a dwelling—

(*a*) that, but for this section, would take effect during the emergency period shall not take effect during that period, and

(*b*) shall not be payable in respect of any period falling during the emergency period.

Proceedings before Tenancy Tribunal

7. Subsection (1) of section 106 of the Act of 2004 shall not have effect during the emergency period.

Entitlement to remain in occupation of dwelling during emergency period

8. (1) A tenant—

(*a*) upon whom a notice of termination was served in accordance with the Act of 2004 before the commencement of the emergency period, and

(*b*) who has remained in occupation of the dwelling to which the notice relates from the expiration of the required period of notice (whether or not with the consent of the landlord concerned) until the date of the commencement of the emergency period,

shall be entitled to remain in occupation of the dwelling until the expiration of the emergency period subject to terms and conditions that shall be the same as the terms and conditions that applied in respect of the tenancy of the dwelling concerned immediately before the service of that notice, unless—

(i) the tenant is required to vacate the dwelling in accordance with a determination of an adjudicator under subsection (4) of section 97 of the Act of 2004, or

(ii) where an appeal from that determination is brought, the tenant is required to vacate the dwelling in accordance with a determination of the Tribunal under section 108 of that Act.

(2) A person shall not, by virtue of the operation of this section, acquire any rights under Part 4 of the Act of 2004.

C5 Application of Act extended to licences and licence agreements (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 37, S.I. No. 354 of 2019, as substituted (15.07.2019) by *Local Government Rates and other Matters Act 2019* (24/2019), s. 26(d), S.I. No. 355 of 2019.

Application of Act of 2004 to certain licences

[37. (1) The Act of 2004 shall apply to licences to which this section applies and licence agreements as it applies to tenancies of dwellings referred to in subsection (1A) of section 3 of that Act and tenancy agreements relating to such tenancies, subject to the following, and any other necessary, modifications:

(*a*) references to tenancy shall be construed as references to licence to which this section applies;

(*b*) references to tenancy agreement shall be construed as references to licensing agreement;

(*c*) references to landlord shall be construed as references to licensor;

(*d*) references to tenant (other than a tenant to whom the definition of "multiple tenants" in subsection (1) of section 48 applies) shall be construed as references to licensee;

(*e*) references to dwelling shall be construed as references to a residential unit (whether or not self-contained) situated in student accommodation;

(*f*) references to rent shall be construed as references to payments or charges (howsoever described) payable under a licence agreement to the licensor by any person (whether or not the licensee) in consideration of the licence concerned; and

(*g*) the deletion, in paragraph (a) of subsection (1) of section 12, of the words "and exclusive".

(2) This section does not apply to a licence in respect of student accommodation in which the licensor (other than a licensor who is not an individual) resides, and references in this section to licence to which this section applies shall be construed accordingly.

(3) In this section—

"licence" means a licence—

(*a*) given by the owner (in this section referred to as the "licensor") of student accommodation to a student (in this section referred to as the "licensee"), and

(*b*) created not earlier than one month after the commencement of this section, permitting the licensee to enter and reside in a residential unit (whether or not self-contained) within that student accommodation in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor;

"licence agreement" means an agreement (whether or not in writing) between the owner of student accommodation and a student giving a licence to which this section applies to the student;

"owner" means, in relation to student accommodation, any person (other than a mortgagee not in possession) who has an estate or interest in that accommodation;

"student" means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012);

"student accommodation" means a building, or part of a building, used for the sole purpose (subject to *paragraphs (a)*, *(b)* and *(c)*) of providing residential accommodation to students during academic term times—

(*a*) whether or not the building or part of the building concerned is used for any other purpose outside of those times,

(*b*) whether or not any such students are permitted to reside there outside of those times, and

(*c*) whether or not any person other than a student resides there, provided that the purpose of the said person's residing there serves the first-mentioned purpose.**]**

C6 Rights under collectively cited *Residential Tenancies Acts* not affected in certain circumstances (1.01.2019) by *Domestic Violence Act 2018* (6/2018), s. 32, S.I. No. 532 of 2019.

Orders not to affect rights under certain enactments or estate or interest

32. (1) Where, by reason only of an interim barring order, emergency barring order or a barring order, a person is not residing at a place during any period, that person shall be deemed, for the purposes of any rights under the Statutes of Limitations, the Landlord and Tenant Acts 1967 to 2008, the Housing (Private Rented Dwellings) Acts 1982 and 1983 and the Residential Tenancies Acts 2004 to 2015, to be residing at that place during that period.

(2) Except in so far as the exercise by a respondent of a right to occupy the place to which a barring order, an interim barring order or an emergency barring order relates is suspended by virtue of the order, that order shall not affect any estate or interest in that place of that respondent or any other person.

PART 1

PRELIMINARY AND GENERAL

Short title.

1.—This Act may be cited as the Residential Tenancies Act 2004.

Commencement.

2.—This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (6.12.2004) by *Residential Tenancies Act 2004 (Commencement) (No. 2) Order 2004* (S.I. No. 750 of 2004).

2. The 6th day of December 2004 is appointed as the day on which the Residential Tenancies Act 2004 so far as uncommenced shall come into operation.

E2 Power pursuant to section exercised (1.09.2004) by *Residential Tenancies Act 2004 (Commencement) Order 2004* (S.I. No. 505 of 2004).

2. The 1st day of September, 2004 is appointed as the day on which the following provisions of the Residential Tenancies Act 2004 shall come into operation:

(*a*) Part 1;

(*b*) Part 4;

(*c*) Part 5 (other than sections 71 and 72);

(*d*) Part 7;

(*e*) Part 8 (other than section 159(1));

(*f*) Part 9 (other than sections 182, 189, 190, paragraphs (a) and (d) of section 193, and subsections (4) and (5) of section 195); and

(*g*) the Schedule.

Application of Act.

3.—(1) Subject to *subsection (2)*, this Act applies to every dwelling, the subject of a tenancy (including a tenancy created before the passing of this Act).

F1**[**(1A) (*a*) Subject to *subsection (7)*, this Act also applies to every dwelling (the subject of a tenancy created not earlier than one month after the commencement of paragraph (a) of section 3 of the Residential Tenancies (Amendment) Act 2019) situated in a building, or part of a building, used for the sole purpose (subject to *subparagraphs (i)*, *(ii)* and *(iii)*) of providing residential accommodation to students during academic term times under a tenancy—

(i) whether or not the building or part of the building concerned is used for any other purpose outside of those times,

(ii) whether or not any such students are permitted to reside there outside of those times, and

(iii) whether or not any person other than a student resides there, provided that the purpose of the person's residing there serves the first-mentioned purpose,

F2**[**but does not apply to a dwelling**]** in a building or part of a building used for the first-mentioned purpose where the landlord (other than a landlord who is not an individual) also resides in the building or part of the building concerned.

(*b*) This subsection is without prejudice to *subsection (1)* and accordingly this Act shall, by virtue of that subsection—

(i) continue to apply to any dwelling to which it applied immediately before the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019 in the same manner as it applied to such dwelling before such commencement, and

(ii) apply to any dwelling—

(I) occupied by a student under a tenancy created on or after such commencement, and

(II) to which this Act would apply had sections 3 and 5 of the Residential Tenancies (Amendment) Act 2019 not been enacted,

in the same manner as it would apply to a dwelling referred to in *subparagraph (i)*.

(*c*) The definition of "dwelling" in *section 4* shall apply for the purposes of this subsection as if "residential unit (whether or not self-contained)" were substituted for "self-contained residential unit".

(*d*) In this subsection "student" means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012).**]**

(2) Subject to *section 4(2)*, this Act does not apply to any of the following dwellings—

(*a*) a dwelling that is used wholly or partly for the purpose of carrying on a business, such that the occupier could, after the tenancy has lasted 5 years,

make an application under section 13(1)(*a*) of the Landlord and Tenant (Amendment) Act 1980 in respect of it,

(*b*) a dwelling to which Part II of the Housing (Private Rented Dwellings) Act 1982 applies,

F3**[**(*c*) a dwelling that is let by or to a public authority and without prejudice to the generality of the foregoing, including a dwelling provided by a public authority to an approved housing body other than a dwelling referred to in *subsection (2A)*,**]**

(*d*) a dwelling, the occupier of which is entitled to acquire, under Part II of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, the fee simple in respect of it,

(*e*) a dwelling occupied under a shared ownership lease,

(*f*) a dwelling let to a person whose entitlement to occupation is for the purpose of a holiday only,

(*g*) a dwelling within which the landlord also resides,

(*h*) a dwelling within which the spouse F4**[**, civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010**]**, parent or child of the landlord resides and no lease or tenancy agreement in writing has been entered into by any person resident in the dwelling,

(*i*) a dwelling the subject of a tenancy granted under Part II of the Landlord and Tenant (Amendment) Act 1980 or under Part III of the Landlord and Tenant Act 1931 or which is the subject of an application made under section 21 of the Landlord and Tenant (Amendment) Act 1980 and the court has yet to make its determination in the matter.

F5**[**(2A) Where—

(*a*) a public authority provides a dwelling, of which it is the owner, to an approved housing body under a contract or lease between the public authority and the approved housing body pursuant to paragraph (ea) of section 6(2) of the Housing (Miscellaneous Provisions) Act 1992, and

(*b*) subsequent to such provision the dwelling concerned is the subject of a tenancy between the approved housing body concerned and a household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009 that has been assessed under that section of that Act as being qualified for social housing support (within the meaning of that Act),

for the purposes of *subsection (1)* and without prejudice to *paragraph (c)* of *subsection (2)* —

(i) this Act applies to that dwelling (including any such dwelling that is the subject of a tenancy created before the coming into operation of this subsection),

(ii) any such tenancy shall not, for the purposes of this Act, be treated as a sub-tenancy arising out of such lease or contract between the public authority and the approved housing body, and

(iii) references in this Act to a sub-tenancy shall not include a dwelling that is the subject of a tenancy between the approved housing body and the household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009.**]**

F6**[**(3) Notwithstanding the definition of "tenancy" in *section 5(1)*, in this section a reference to a tenancy does not include a tenancy F7**[**(other than a *Part 4* tenancy)**]** the term of which is more than 35 years.**]**

F5**[**(4) Without prejudice to *subsection (1)*, for the purposes of the application of this Act to—

(*a*) a dwelling referred to in *subsection (2A)*, and

(*b*) a dwelling, other than a dwelling referred to in *paragraph (a)*, that—

(i) F8**[**is provided by an approved housing body**]** to whom assistance is given under subsection (2) of section 6 of the Housing (Miscellaneous Provisions) Act 1992, other than the assistance referred to in paragraph (ea) of that subsection, for the purposes of such provision by the approved housing body,

(ii) is the subject of a tenancy (including a tenancy created before the commencement of this subsection), and

(iii) is let by that approved housing body to a household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009 that has been assessed under that section of that Act as being qualified for social housing support (within the meaning of that Act),

subsections (5) and *(6)* (both inserted by section 3 of the Residential Tenancies (Amendment) Act 2015) and *sections 3A* and *3B* (both inserted by section 4 of the Residential Tenancies (Amendment) Act 2015) shall apply to a dwelling referred to in *paragraphs (a)* and *(b)*.

(5) For the purposes of the application of this Act (and regulations made under it) to a dwelling referred to in *subsection (4)(a)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015)—

(*a*) the approved housing body concerned shall be deemed to be a landlord of such dwelling,

(*b*) references in this Act (or regulations made under it) to a landlord, in so far as the references concern a dwelling, referred to in *subsection (4)(a)*, shall be construed accordingly, and

(*c*) the person who is the tenant of the dwelling shall be construed in accordance with *subsection (6)*.

(6) For the purposes of the application of this Act (and regulations made under it) to a dwelling referred to in *paragraphs (a)* and *(b)* of *subsection (4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015)—

(*a*) where the household comprises one person, that person shall be deemed to be a tenant of such dwelling,

(*b*) where the household comprises 2 or more persons, whichever of those persons who has been granted occupation of the dwelling pursuant to the tenancy agreement shall be deemed to be the tenants of such dwelling, and

(*c*) references in this Act to a tenant and multiple tenants, in so far as the references concern a dwelling, referred to in *paragraph (a)* or *(b)* of *subsection (4)*, the subject of a tenancy, shall be construed accordingly.**]**

F1**[**(7) The following provisions of this Act shall not apply to a tenancy of a dwelling referred to in *subsection (1A)*:

(*a*) *paragraphs (k)* and *(n)* of *section 16*, *subsections (2)* and *(3)* of *section 78* and *clause (II)* of *subparagraph (i)* of *paragraph (e)* of *subsection (4)* of *section 135*;

(*b*) F9**[***sections 60, 70*,**]** *71*, *72*, *73*, *81*, *185*, *186* and *195*;

(*c*) *Part 4*; and

(*d*) *Schedule 1*.**]**

Annotations

Amendments:

F1 Inserted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 3(a), (b), S.I. No. 354 of 2019.

F2 Substituted (15.07.2019) by *Local Government Rates and other Matters Act 2019* (24/2019), s. 25(1)(a), S.I. No. 355 of 2019.

F3 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 3(1), S.I. No. 151 of 2016.

F4 Inserted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 40(a), S.I. No. 648 of 2010.

F5 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 3(2), (3), S.I. No. 151 of 2016.

F6 Inserted (15.07.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100(2)(b), commenced on enactment.

F7 Inserted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 6(1)(a), commenced as per subs. (2) and s. 5(5), subject to transitional provisions for existing tenancies in s. 5(2)-(4).

F8 Substituted (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 31, S.I. No. 7 of 2017.

F9 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 3, commenced on enactment.

Modifications (not altering text):

C7 Prospective affecting provision: application of section restricted by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 25(3), not commenced as of date of revision.

Chapter 4 tenancy agreement.

25.— ...

(3) A dwelling to which this Chapter applies which is the subject of a Chapter 4 tenancy agreement shall not be construed as a dwelling let by or to a public authority for the purposes of section 3(2)(c) of the Act of 2004.

...

C8 Term "approved housing body" construed (1.01.2022) by *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), s. 68, S.I. No. 728 of 2021, art. 2(f).

Construction of certain references in other Acts or instruments made under Acts

68. References in—

(*a*) any Act of the Oireachtas, other than this Act, passed before the coming into operation of this section,

...

to—

(i) an approved housing body,

(ii) a housing body approved under section 6 of the Act of 1992,

(iii) an approved body or a body approved, under, or for the purposes of, section 6 of the Act of 1992, or

(iv) to a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992,

as the case may be (howsoever described), shall, on and after the coming into operation of this section, unless the contrary intention appears, be construed as references to an approved housing body (within the meaning of this Act), save where other provision is made as respects the construction of the references in paragraphs (i) to (iv), as the case may be, by any Act of the Oireachtas (other than this Act) passed before that coming into operation.

C9 Application of Act extended to licences and licence agreements (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 37, S.I. No. 354 of 2019, as substituted (15.07.2019) by *Local Government Rates and other Matters Act 2019* (24/2019), s. 26(d), S.I. No. 355 of 2019.

Application of Act of 2004 to certain licences

[37. (1) The Act of 2004 shall apply to licences to which this section applies and licence agreements as it applies to tenancies of dwellings referred to in subsection (1A) of section 3 of that Act and tenancy agreements relating to such tenancies, subject to the following, and any other necessary, modifications:

(*a*) references to tenancy shall be construed as references to licence to which this section applies;

(*b*) references to tenancy agreement shall be construed as references to licensing agreement;

(*c*) references to landlord shall be construed as references to licensor;

(*d*) references to tenant (other than a tenant to whom the definition of "multiple tenants" in subsection (1) of section 48 applies) shall be construed as references to licensee;

(*e*) references to dwelling shall be construed as references to a residential unit (whether or not self-contained) situated in student accommodation;

(*f*) references to rent shall be construed as references to payments or charges (howsoever described) payable under a licence agreement to the licensor by any person (whether or not the licensee) in consideration of the licence concerned; and

(*g*) the deletion, in paragraph (a) of subsection (1) of section 12, of the words "and exclusive".

(2) This section does not apply to a licence in respect of student accommodation in which the licensor (other than a licensor who is not an individual) resides, and references in this section to licence to which this section applies shall be construed accordingly.

(3) In this section—

"licence" means a licence—

(*a*) given by the owner (in this section referred to as the "licensor") of student accommodation to a student (in this section referred to as the "licensee"), and

(*b*) created not earlier than one month after the commencement of this section, permitting the licensee to enter and reside in a residential unit (whether or not self-contained) within that student accommodation in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor;

"licence agreement" means an agreement (whether or not in writing) between the owner of student accommodation and a student giving a licence to which this section applies to the student;

"owner" means, in relation to student accommodation, any person (other than a mortgagee not in possession) who has an estate or interest in that accommodation;

"student" means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012);

"student accommodation" means a building, or part of a building, used for the sole purpose (subject to *paragraphs (a)*, *(b)* and *(c)*) of providing residential accommodation to students during academic term times—

(*a*) whether or not the building or part of the building concerned is used for any other purpose outside of those times,

(*b*) whether or not any such students are permitted to reside there outside of those times, and

(*c*) whether or not any person other than a student resides there, provided that the purpose of the said person's residing there serves the first-mentioned purpose.**]**

C10 Application of section restricted (15.09.2014) by *Housing (Miscellaneous Provisions) Act 2014* (21/2004), s. 36, S.I. No. 404 of 2014.

Restriction on application of Residential Tenancies Act 2004

36. Except in the case of a dwelling to which section 47 relates, a dwelling in respect of which housing assistance is provided under this Part shall not be construed as a dwelling let by or to a public authority for the purposes of section 3 (2)(c) of the Residential Tenancies Act 2004 .

Editorial Notes:

E3 Previous affecting provision: subs. (2)(c)(ii) amended (15.07.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100(2)(a), commenced on enactment; substituted as per F-note above.

F10**[**Restrictions on sub-letting and assignment of tenancy for dwellings referred to in *section 3(4)*

3A.—(1) A tenant of a dwelling the subject of a tenancy that is referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015) shall not assign or sub-let the tenancy.

(2) Any sub-tenancy of a dwelling referred to in *section 3(4)* that is purported to be created shall be void.

(3) Any assignment of a dwelling referred to in *section 3(4)* that is purported to be made is void.

(4) *Section 16(k)* shall not apply in respect of a dwelling the subject of a tenancy referred to in *section 3(4)*.**]**

F11**[**(5) This section applies to a dwelling referred to in *subsection (1A)* of *section 3* as it applies to a dwelling referred to in *subsection (4)* of *section 3* and, accordingly, references in the preceding subsections of this section to the second-mentioned dwelling shall be construed as including references to the first-mentioned dwelling.**]**

Annotations

Amendments:

F10 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 4, S.I. No. 151 of 2016.

F11 Inserted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 4, S.I. No. 354 of 2019.

F12**[**Application of Act to dwellings referred to in *section 3(4)*: supplemental provisions

3B.—For the purposes of the application of this Act to a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015)—

(*a*) a reference in *Part 4* to a "continuous period of 6 months", means a continuous period of 6 months that commences on or after the commencement of *section 3(4)*,

(*b*) a reference in this Act to "relevant date" shall be construed as meaning the date on which *section 3(4)* of the Act is commenced,

(*c*) the ground specified in *paragraph 4* of the Table to *section 34* shall not apply in respect of the termination of a tenancy in respect of a dwelling the subject of a tenancy referred to in *section 3(4)*,

(*d*) *section 50(7)* shall not apply to a licensee of a tenant, or multiple tenants, referred to in *section 50(7)* of a dwelling the subject of a tenancy referred to in *section 3(4)*,

(*e*) *sections 19*, *20*, *21* and *22* shall not apply to a dwelling the subject of a tenancy referred to in *section 3(4)*, and

(*f*) *section 139* shall not apply in respect of a dwelling the subject of a tenancy referred to in *section 3(4)*.**]**

Annotations

Amendments:

F12 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 4, S.I. No. 151 of 2015.

F13**[**Notification to Minister of designations

3C.—Where an approved housing body makes a designation referred to in *subsection (5)* of *section 25*, it shall notify the Minister of such designation and consent of the public body concerned not later than 6 months after the making of such designation.**]**

Annotations

Amendments:

F13 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 4, S.I. No. 151 of 2016.

Interpretation generally.

4.—(1) In this Act, unless the context otherwise requires—

"adjudicator" shall be construed in accordance with *section 164(2)*;

F14**[**"approved housing body" means a body—

(*a*) approved under section 6(6) of the Housing (Miscellaneous Provisions) Act 1992 for the purposes of section 6 of that Act, and

(*b*) to which—

(i) assistance under section 6 of the Housing (Miscellaneous Provisions) Act 1992 is given for the provision by the approved housing body of dwellings F15**[**...**]**, or

(ii) assistance referred to in section 6(2)(ea) of that Act is given;**]**

"authorised agent" shall be construed in accordance with *section 12(1)(e)*;

F16**[**"BER" has the same meaning as it has in the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012);**]**

F17**[**"Board" shall be construed in accordance with *section 150(1)* and section 13 of the Residential Tenancies (Amendment) Act 2015;**]**

"child" includes a person who is no longer a minor and cognate words shall be construed accordingly;

"company" means a company within the meaning of the Companies Acts 1963 to 2003;

"contract of tenancy" does not include an agreement to create a tenancy;

"Director" shall be construed in accordance with *section 160(1)*;

"Dispute Resolution Committee" shall be construed in accordance with *section 157(2)*;

"dwelling" means, subject to *subsection (2)*, a property let for rent or valuable consideration as a self-contained residential unit and includes any building or part of a building used as a dwelling and any out office, yard, garden or other land appurtenant to it or usually enjoyed with it and, where the context so admits, includes a property available for letting but excludes a structure that is not permanently attached to the ground and a vessel and a vehicle (whether mobile or not);

"establishment day" means the day appointed under *section 149*;

F16**[**"floor area" means—

(*a*) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, the floor area recorded in respect of the dwelling on the BER register on the basis of a BER assessment in accordance with those Regulations, and

(*b*) in any other case, the floor area within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997);**]**

"functions" includes powers and duties and references to the performance of functions include, as respects power and duties, references to the exercise of the powers and the carrying out of the duties;

"further *Part 4* tenancy" shall be construed in accordance with *section 41(2)* or *45(2)*, as appropriate;

F14**[**"housing authority" has the meaning assigned to it by section 23 of the Housing (Miscellaneous Provisions) Act 1992;**]**

"local authority" means a local authority for the purposes of the Local Government Act 2001;

"management company", in relation to an apartment complex, means the company in which functions are vested with respect to the management of the apartment complex;

"mediator" shall be construed in accordance with *section 164(1)*;

"Minister" means the Minister for the Environment, Heritage and Local Government;

"*Part 4 tenancy*" shall be construed in accordance with *section 29*;

F16**[**"personal public service number" means a number allocated and issued in accordance with section 262 of the Social Welfare Consolidation Act 2005;**]**

"personal representative" has the same meaning as it has in the Succession Act 1965;

"planning permission" means a permission under section 34 of the Planning and Development Act 2000;

F16**[**"postcode" means postcode within the meaning of section 66 of the Communications Regulation (Postal Services) Act 2011;**]**

"prescribed" means prescribed by regulations made by the Minister under this Act;

"public authority" means—

(*a*) a Minister of the Government or a body under the aegis of a Minister of the Government,

(*b*) the Commissioners of Public Works in Ireland,

(*c*) a local authority,

F14**[**(*ca*) a housing authority,**]**

F18**[**(*d*) the Health Service Executive established under section 6 of the Health Act 2004,**]**

(*e*) F19**[**...**]**

(*f*) a voluntary body standing approved of by the Minister for Health and Children or by F20**[**the Health Service Executive**]** of this definition for the purpose of providing accommodation for elderly persons or persons with a mental handicap or psychiatric disorder,

(*g*) F21**[**...**]**

(*h*) F22**[**...**]**

F16**[**"registered number", in relation to a company, means the number assigned to the company in the register kept by the Registrar of Companies under section 887 (2) of the Companies Act 2014;**]**

"remuneration" includes fees, allowances for expenses, benefits-inkind and superannuation;

"required period of notice", in relation to a notice of termination, means the period of notice required by *Part 4* or *5* or, if greater, by the lease or tenancy agreement concerned;

"self-contained residential unit" includes the form of accommodation commonly known as "bedsit" accommodation;

"shared ownership lease" has the meaning assigned to it by section 2 of the Housing (Miscellaneous Provision) Act 1992;

"superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement or death;

F16**[**"tax reference number" means the reference number stated on any return of income, form or notice of assessment issued to the company or other body corporate concerned by the Revenue Commissioners;**]**

"tenancy agreement" includes an oral tenancy agreement;

F16**[**"tenancy of minimum duration" has the meaning assigned to it by *section 35B(1)*;**]**

"Tribunal" shall be construed in accordance with *section 102(2)*.

(2) The definition of "dwelling" in *subsection (1)* shall not apply in relation to the construction of references to "dwelling" to which this subsection applies; each such reference shall be construed as a reference to any building or part of a building used as a dwelling (whether or not a dwelling let for rent or valuable consideration) and any out office, yard, garden or other land appurtenant to it or usually enjoyed with it.

(3) *Subsection (2)* applies to the following references to "dwelling" (whether in the singular or plural form) in this Act, namely—

(*a*) the second of the references in *section 12(1)(h)*,

(*b*) the first and last of the references in *paragraph (c)(ii)* and *paragraph (c)(iii)* of the definition of "behave in a way that is anti-social" in *section 17(1)*,

(*c*) the reference in *subsection (2)(a)* of *section 25* to whichever of the dwellings mentioned in that subsection is not the subject of the tenancy mentioned in *subsection (1)* of that section,

(*d*) the references in *subsection (2)(b)* and *(c)* of *section 25*, and

(*e*) the second of the references in *sections 136(h), 187(1)* and *188(1)*.

(4) In this Act—

(*a*) a reference to a section or Part is a reference to a section or Part of this Act unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a Chapter is a reference to the Chapter of the Part in which the reference occurs, unless it is indicated that reference to some other provision is intended,

(*c*) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the

reference occurs, unless it is indicated that reference to some other provision is intended, and

(*d*) a reference to any other enactment is a reference to that enactment as amended or extended by or under any subsequent enactment.

Annotations

Amendments:

F14 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 5, S.I. No. 151 of 2016.

F15 Deleted (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 32, S.I. No. 7 of 2017.

F16 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 4, S.I. No. 67 of 2026.

F17 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(2), S.I. No. 151 of 2016.

F18 Substituted (1.01.2005) by *Health Act 2004* (42/2004), s. 72 and sch. 7 part 15, S.I. No. 887 of 2004.

F19 Deleted (1.01.2005) by *Health Act 2004* (42/2004), s. 72 and sch. 7 part 15, S.I. No. 887 of 2004.

F20 Substituted (1.01.2005) by *Health Act 2004* (42/2004), s. 72 and sch. 7 part 15, S.I. No. 887 of 2004.

F21 Deleted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 5, S.I. No. 354 of 2019.

F22 Deleted (5.09.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 37(2)(a), S.I. No. 396 of 2014 in accordance with s. 43.

F23 Inserted by *Planning and Development Act* (34/2024), s. 631 and sch. 7 ref. no. 24, not commenced as of date of revision.

Modifications (not altering text):

C11 Prospective affecting provision: definition of "planning permission" amended by *Planning and Development Act 2024* (34/2024), s. 631 and sch. 7 ref. no. 24, not commenced as of date of revision.

"planning permission" means a permission under section 34 of the Planning and Development Act 2000 F23**[**or Chapter 3 of Part 4 of the Planning and Development Act 2024**]**;

C12 Term "approved housing body" construed (1.01.2022) by *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), s. 68, S.I. No. 728 of 2021, art. 2(f).

Construction of certain references in other Acts or instruments made under Acts

68. References in—

(*a*) any Act of the Oireachtas, other than this Act, passed before the coming into operation of this section,

...

to—

(i) an approved housing body,

(ii) a housing body approved under section 6 of the Act of 1992,

(iii) an approved body or a body approved, under, or for the purposes of, section 6 of the Act of 1992, or

(iv) to a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992,

as the case may be (howsoever described), shall, on and after the coming into operation of this section, unless the contrary intention appears, be construed as references to an approved

housing body (within the meaning of this Act), save where other provision is made as respects the construction of the references in paragraphs (i) to (iv), as the case may be, by any Act of the Oireachtas (other than this Act) passed before that coming into operation.

Editorial Notes:

E4 Previous affecting provision: definition of "public authority" amended in para. (g) (5.09.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 37(2)(a), S.I. No. 396 of 2014 in accordance with s. 43; paragraph deleted as per F-note above.

"relevant date", "landlord", "tenant", "lease", etc.

5.—(1) In this Act—

"landlord" means the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy;

"lease" means an instrument in writing, whether or not under seal, containing a contract of tenancy in respect of a dwelling;

"relevant date" means the date on which *Part 4* is commenced F24**[**or, in the case of a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), shall be construed in accordance with *section 3B(b)* (inserted by section 4 of the Residential Tenancies (Amendment) Act 2015)**]**;

"tenancy" includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied, and, where the context so admits, includes a sub-tenancy and a tenancy or sub-tenancy that has been terminated;

"tenant" means the person for the time being entitled to the occupation of a dwelling under a tenancy and, where the context so admits, includes a person who has ceased to be entitled to that occupation by reason of the termination of his or her tenancy.

(2) A reference in this Act to—

(*a*) the landlord of a dwelling is a reference to the landlord under a tenancy of the dwelling, and

(*b*) the tenant of a dwelling is a reference to the tenant under a tenancy of the dwelling.

(3) Subject to *subsection (4)*, in this Act "costs", in relation to a matter being dealt with by the Board, a mediator, an adjudicator or the Tribunal or a determination or direction made or given by it or him or her, does not include—

(*a*) legal costs or expenses, or

(*b*) costs or expenses of any other professional kind or of employing any person with technical expertise that are connected wholly or mainly with the provision of evidence for, or the presentation of one or more issues at, the proceedings.

(4) Despite *subsection (3)*, the Board or, with the consent of the Board, a mediator, an adjudicator or the Tribunal may if, in its or his or her opinion the exceptional circumstances of the matter so warrant, determine that any element of costs the subject of a determination or direction made or given by it or him or her shall include costs referred to in *paragraph (a)* or *(b)* of that subsection F25**[**and the amount of such costs shall not exceed €5,000**]**.

Annotations

Amendments:

F24 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 4(2), S.I. No. 151 of 2016.

F25 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 86 and sch., S.I. No. 119 of 2016.

Service of notices.

6.—(1) A notice F27**[**or other document**]** required or authorised to be served or given by or under F28**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020, section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020 or section 5 of the Residential Tenancies (Amendment) Act 2021**]** shall, subject to *subsection (2)*, be addressed to the person concerned by name and may be served on or given to the person in one of the following ways:

(*a*) by delivering it to the person;

(*b*) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(*c*) by sending it by post in a prepaid letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;

F26**[**(*ca*) by sending it by electronic means to an email address, fax number or other electronic contact point used by the person for receiving emails, faxes or other electronic messages, where a record that the notice or other document has been sent is made for the sender by the email system, fax machine or other electronic system used;**]**

(*d*) where the notice F27**[**or other document**]** relates to a dwelling and it appears that no person is in actual occupation of the dwelling, by affixing it in a conspicuous position on the outside of the dwelling or the property containing the dwelling.

(2) Where the notice concerned is to be served on or given to a person who is the owner, landlord, tenant or occupier of a dwelling and the name of the person cannot be ascertained by reasonable inquiry it may be addressed to the person by using the words the owner, the landlord, the tenant or the occupier, as the case may require.

(3) For the purposes of this section, a company shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) A person shall not, at any time during the period of 3 months after a notice is affixed under *subsection (1)(d)* remove, damage or deface the notice without lawful authority.

(5) A person who contravenes *subsection (4)* is guilty of an offence.

(6) Where, in proceedings under *Part 6*, it is shown that a notice was served or given in accordance with the provisions of this section and on the date that it is alleged it was served or given, the onus shall be on the recipient to establish to the Board, the adjudicator or Tribunal's satisfaction that the notice was not received in sufficient time to enable compliance with the relevant time limit specified by or under this Act.

Annotations

Amendments:

F26 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 5, S.I. No. 67 of 2026.

F27 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 86(1) and sch., S.I. No. 119 of 2016.

F28 Substituted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 2, commenced on enactment.

Editorial Notes:

E5 Previous affecting provision: subs. (1) amended (11.01.2021) by *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 15(1), commenced as per s. 1(3); substituted as per F-note above.

E6 Previous affecting provision: subs. (1) amended (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 4(3), commenced on enactment; substituted as per F-note above.

Service or giving of notice on behalf of another.

7.—Where a notice required or authorised to be served or given by or under this Act is served or given on behalf of a person, the notice shall be deemed to be served or given by that person.

Regulations and orders.

8.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

F29**[**(1A) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.**]**

(2) Every order (other than an order made under *section 2* or *149*) and regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(3) The Minister may be order amend or revoke an order under this Act (other than an order under *section 2* or *149*).

(4) An order under *subsection (3)* shall be made in the like manner and its making shall be subject to the like (if any) consents and conditions as the order that it is amending or revoking.

Annotations

Amendments:

F29 Inserted (25.02.2018) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 22, S.I. No. 37 of 2018.

Editorial Notes:

E7 Power pursuant to section exercised (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), in operation as per reg. 2.

E8 Power pursuant to section exercised (7.10.2004) by *Residential Tenancies Act 2004 (Section 202) Regulations 2004* (S.I. No. 649 of 2004).

E9 Previous affecting provision: power pursuant to section exercised (7.07.2022) by *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2022* (S.I. No. 341 of 2022); revoked (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), reg. 5(g), in operation as per reg. 2.

E10 Previous affecting provision: power pursuant to section exercised (4.04.2022) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2022* (S.I. No. 152 of 2022); revoked (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), reg. 5(f), in operation as per reg. 2.

E11 Previous affecting provision: power pursuant to section exercised (12.12.2021) by *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2021* (S.I. No. 723 of 2021); revoked (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), reg. 5(e), in operation as per reg. 2.

E12 Previous affecting provision: power pursuant to section exercised (16.07.2021) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2021* (S.I. No. 362 of 2021); revoked (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), reg. 5(d), in operation as per reg. 2.

E13 Previous affecting provision: power pursuant to section exercised (15.07.2019) by *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2019* (S.I. No. 353 of 2019); revoked (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), reg. 5(c), in operation as per reg. 2.

E14 Previous affecting provision: power pursuant to section exercised (1.07.2019) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2019* (S.I. No. 287 of 2019); revoked (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), reg. 5(b), in operation as per reg. 2.

E15 Previous affecting provision: power pursuant to section exercised (9.05.2016) by *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2016* (S.I. No. 217 of 2016); revoked (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), reg. 5(a), in operation as per reg. 2.

E16 Previous affecting provision: power pursuant to section exercised (6.04.2016) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2016* (S.I. No. 150 of 2016); revoked (4.04.2022) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2022* (S.I. No. 152 of 2022), reg. 6, in operation as per reg. 2.

E17 Previous affecting provision: power pursuant to section exercised (18.06.2015) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2015* (S.I. No. 257 of 2015); revoked (6.04.2016) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2016* (S.I. No. 150 of 2016), reg. 3.

E18 Previous affecting provision: power pursuant to section exercised (15.05.2012) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2012* (S.I. No. 162 of 2012); revoked (18.06.2015) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2015* (S.I. No. 257 of 2015), reg. 3.

Offences.

9.—(1) A person guilty of an offence under F31**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** shall be liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both.

(2) If the contravention in respect of which a person is convicted of an offence under F31**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** is continued after the conviction, the person is guilty of a further offence on every day on which the contravention continues and for each such offence the person shall be liable on summary conviction to a fine not exceeding €250.

(3) Proceedings in relation to an offence under F31**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** may be brought and prosecuted by the Board.

(4) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this Act may be instituted at any time within one year after the date of the offence.

(5) Where a person is convicted of an offence under F31**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Board the costs and expenses, measured by the court, incurred by the Board in relation to the investigation, detection and prosecution of the offence.

Annotations

Amendments:

F30 Inserted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 4(4), commenced on enactment.

F31 Substituted (11.01.2021) by *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 15(2)(a)-(d), commenced as per s. 1(3).

Editorial Notes:

E19 A fine of €3,000 translates into a class B fine, not greater than €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 5(2) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €250 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

E20 Previous affecting provisions: subss. (1), (2), (3), (5) amended (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 4(4), commenced on enactment; substituted as per F-note above.

Repeal and revocation.

10.—(1) Section 5 of the Criminal Law Amendment Act 1912 is repealed.

(2) The Housing (Registration of Rented Houses) Regulations 1996 (S.I. No. 30 of 1996) are revoked.

Expenses.

11.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART 2

TENANCY OBLIGATIONS OF LANDLORDS AND TENANTS

CHAPTER 1

Provisions regarding landlord's obligations

Obligations of landlords.

12.—(1) In addition to the obligations arising by or under any other enactment, a landlord of a dwelling shall—

(*a*) allow the tenant of the dwelling to enjoy peaceful and exclusive occupation of the dwelling,

(*b*) subject to *subsection (2)*, carry out to—

(i) the structure of the dwelling all such repairs as are, from time to time, necessary and ensure that the structure complies with any standards

for houses for the time being prescribed under section 18 of the Housing (Miscellaneous Provisions) Act 1992, and

(ii) the interior of the dwelling all such repairs and replacement of fittings as are, from time to time, necessary so that that interior and those fittings are maintained in, at least, the condition in which they were at the commencement of the tenancy and in compliance with any such standards for the time being prescribed,

F33**[**(*ba*) provide receptacles suitable for the storage of refuse outside the dwelling, save where the provision of such receptacles is not within the power or control of the landlord in respect of the dwelling concerned,**]**

(*c*) subject to *subsection (3)*, effect and maintain a policy of insurance in respect of the structure of the dwelling, that is to say a policy—

(i) that insures the landlord against damage to, and loss and destruction of, the dwelling, and

(ii) that indemnifies, to an amount of at least €250,000, the landlord against any liability on his or her part arising out of the ownership, possession and use of the dwelling,

(*d*) subject to *subsection (4)*, return or repay promptly any deposit paid by the tenant to the landlord on entering into the agreement for the tenancy or lease,

(*e*) notify the tenant of the name of the person, if any, (the "authorised agent") who is authorised by the landlord to act on his or her behalf in relation to the tenancy for the time being,

(*f*) provide to the tenant particulars of the means by which the tenant may, at all reasonable times, contact him or her or his or her authorised agent,

(*g*) without prejudice to any other liability attaching in this case, reimburse the tenant in respect of all reasonable and vouched for expenses that may be incurred by the tenant in carrying out repairs to the structure or interior of the dwelling for which the landlord is responsible under *paragraph (b)* where the following conditions are satisfied—

(i) the landlord has refused or failed to carry out the repairs at the time the tenant requests him or her to do so, and

(ii) the postponement of the repairs to some subsequent date would have been unreasonable having regard to either—

(I) a significant risk the matters calling for repair posed to the health or safety of the tenant or other lawful occupants of the dwelling, or

(II) a significant reduction that those matters caused in the quality of the tenant's or other such occupants' living environment,

(*h*) if the dwelling is one of a number of dwellings comprising an apartment complex—

(i) forward to the management company, if any, of the complex any complaint notified in writing by the tenant to him or her concerning the performance by the company of its functions in relation to the complex,

(ii) forward to the tenant any initial response by the management company to that complaint, and

(iii) forward to the tenant any statement in writing of the kind referred to in *section 187(2)* made by the management company in relation to that F34**[**complaint,**]**

F32**[**(*i*) in the case of a tenancy (other than a tenancy to which section 5 (4) of the Residential Tenancies (Amendment) Act 2021 applies) created on or

after 1 March 2026 (in this paragraph referred to as a "relevant tenancy"), furnish the tenant and the Board, in writing, with the following information at the commencement of the relevant tenancy:

(i) the amount of rent that was last set under the most recent previous tenancy, if any, of the dwelling;

(ii) the date the rent was last set under the most recent previous tenancy, if any, of the dwelling;

(iii) a statement as to how the rent set under the relevant tenancy has been calculated having regard to *section 19*;

(iv) the number assigned under *section 135(3)* in respect of the most recent previous tenancy, if any, of the dwelling;

(v) by reference to the published register, the amount of rent payable and the number assigned under *section 135(3*) in respect of the most recent tenancy, preceding the date of commencement of the relevant tenancy, of each of 3 dwellings—

(I) of a similar size (determined by reference to floor area), number of bedrooms, type, character and (where applicable) BER to the dwelling the subject of the relevant tenancy, and

(II) situated in a comparable area to that in which the dwelling the subject of the relevant tenancy is situated.**]**

(2) *Subsection (1)(b)* does not apply to any repairs that are necessary due to the failure of the tenant to comply with *section 16(f)*.

(3) The obligation under *subsection (1)(c)* does not apply at any particular time during the term of the tenancy concerned if, at that time, a policy of insurance of the kind referred to in that provision is not obtainable, or is not obtainable at a reasonable cost, by the landlord in respect of the dwelling.

(4) *Subsection (1)(d)* applies and has effect subject to the following provisions:

(*a*) no amount of the deposit concerned shall be required to be returned or repaid if, at the date of the request for return or repayment, there is a default in—

F36**[**(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, and the amount of rent or such other charges or taxes in arrears is equal to or greater than the amount of the deposit, or**]**

(ii) compliance with *section 16(f)* and the amount of the costs that would be incurred by the landlord, were he or she to take them, in taking such steps as are reasonable for the purposes of restoring the dwelling to the condition mentioned in *section 16(f)* is equal to or greater than the amount of the deposit,

F36**[**(*b*) where, at the date of the request for return or repayment, there is a default in—

(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, or

(ii) compliance with *section 16(f)*,

and *subparagraph (i)* or *(ii)*, as the case may be, of *paragraph (a)* does not apply, then there shall only be required to be returned or repaid under *subsection (1)(d)* the difference between the amount of rent or such other charges or taxes in arrears or, as appropriate, the amount of the costs that would be incurred in taking steps of the kind referred to in *paragraph (a)(ii)*.**]**

(5) For the avoidance of doubt, the condition in *subsection (1)(g)(i)* is satisfied if, after all reasonable attempts, the landlord or his or her authorised agent could not be contacted to make the request concerned.

Annotations

Amendments:

F32 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 6, S.I. No. 67 of 2026.

F33 Inserted (15.07.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100(3)(a), commenced on enactment.

F34 Substituted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 33, in operation as per s. 1(3)(b).

F35 Deleted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 4, commenced on enactment.

F36 Substituted (15.07.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100(3)(b), (c), commenced on enactment.

F37 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 23(a), (b), not commenced as of date of revision.

F38 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 23(c), not commenced as of date of revision.

Modifications (not altering text):

C13 Prospective affecting provision: subs. (1)(d) substituted, subs. (4) amended and subs. (6) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 23, not commenced as of date of revision.

F37**[**(*d*) where a deposit is paid by the tenant to the landlord on entering into the agreement for the tenancy or lease—

(i) transmit the deposit to the Board in accordance with this Act, and

(ii) for the purpose of the effecting, by the Board, the return of that deposit to the tenant, subject to the conditions specified in *subsection (4)*, and ascertaining, for the purpose of such return, if a default referred to in that subsection is to be taken into account—

(I) respond to the notification of the Board that relates to the return of the deposit in accordance with this Act,

(II) provide information, in accordance with this Act, to the Board of any such default,

(III) notify the Board, as soon as practicable, of any change in the information provided to the Board under *section 136(1)(b)* in respect of his or her address for correspondence, and

(IV) notify the Board on or as soon as practicable after the end of the tenancy with a statement, in the prescribed form, that he or she requires a default referred to in *subsection (4)* to be taken into account by the Board,**]**

...

(4) F37**[**A deposit referred to in *subsection (1)(d)* shall, in accordance with this Act, be returned to the tenant**]** subject to the following provisions:

...

F38**[**(6) A landlord shall send a copy of the notification referred to in *subsection (1)(d)(ii)(IV)* to the tenant at the same time as he or she sends the notification to the Board.**]**

Editorial Notes:

E21 Previous affecting provision: subs. (1)(i) inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 33, in operation as per s. 1(3)(b); substituted (1.03.2026) as per F-note above.

Section 12(1)(b): supplemental regulations.

13.—(1) The Board, with the consent of the Minister, may make regulations specifying that particular parts of dwellings shall, for the purposes of *section 12(1)(b)*, be regarded as parts of the interior, or as parts of the structure, of dwellings.

(2) In making regulations under this section, the Board—

(*a*) may invite submissions in relation to the matter from any persons or organisations appearing to the Board to be representative of the interests of landlords and of tenants and consider any submissions from those persons or organisations made on foot of that invitation,

(*b*) shall not specify a part of a dwelling as being part of its structure or, as the case may be, part of its interior if, to do so, would, in its opinion, result in unreasonably burdensome obligations being imposed on landlords.

(3) Different regulations may be made under this section in respect of different classes of dwelling.

Prohibition on penalisation of tenants.

14.—(1) A landlord of a dwelling shall not penalise a tenant for—

(*a*) referring any dispute between the tenant and the landlord to the Board for resolution under *Part 6*,

(*b*) giving evidence in any proceedings under *Part 6* to which the landlord is a party (whether the tenant is a party to them or not),

(*c*) making a complaint to a member of the Garda Síochána or to a public authority in relation to any matter arising out of, or in connection with, the occupation of the dwelling or making an application regarding such a matter to a public authority, or

(*d*) giving notice of his or her intention to do any or all of the things referred to in the preceding paragraphs.

(2) For the purposes of this section a tenant is penalised if the tenant is subjected to any action that adversely affects his or her enjoying peaceful occupation of the dwelling concerned.

(3) Such action may constitute penalisation even though it consists of steps taken by the landlord in the exercise of any rights conferred on him or her by or under this Act, any other enactment or the lease or tenancy agreement concerned if, having regard to—

(*a*) the frequency or extent to which the right is exercised in relation to the tenant,

(*b*) the proximity in time of its being so exercised to the tenant's doing the relevant thing referred to in *subsection (1)*, and

(*c*) any other relevant circumstances,

it is a reasonable inference that the action was intended to penalise the tenant for doing that thing.

(4) This section is without prejudice to any other liability (civil or criminal) the landlord may be subject to for doing a thing prohibited by this section.

Duty owed to certain third parties to enforce tenant's obligations.

15.—(1) A landlord of a dwelling owes to each person who could be potentially affected a duty to enforce the obligations of the tenant under the tenancy.

(2) In *subsection (1)* "person who could be potentially affected" means a person who, it is reasonably foreseeable, would be directly and adversely affected by a failure to enforce an obligation of the tenant were such a failure to occur and includes any other tenant under the tenancy mentioned in that subsection.

(3) This section does not confer on any person a right of action maintainable in proceedings before a court for breach of the duty created by it; the sole remedy for such a breach is by means of making a complaint (where the conditions specified in *section 77* for doing so are satisfied) to the Board under *Part 6*.

(4) Nothing in *subsection (3)* affects any duty of care, and the remedies available for its breach, that exist apart from this section.

CHAPTER 2

Provisions regarding tenant's obligations

Obligations of tenants.

16.—In addition to the obligations arising by or under any other enactment, a tenant of a dwelling shall—

(*a*) pay to the landlord or his or her authorised agent (or any other person where required to do so by any enactment)—

(i) the rent provided for under the F40**[**tenancy agreement**]** on the date it falls due for payment, F41**[**...**]**

(ii) where the lease or tenancy agreement provides that any charges or taxes are payable by the tenant, pay those charges or taxes in accordance with the lease or tenancy agreement (unless provision to that effect in the lease or tenancy agreement is unlawful or contravenes any F40**[**other enactment), and**]**

F42**[**(iii) the deposit, if any, provided for under the tenancy agreement,**]**

(*b*) ensure that no act or omission by the tenant results in there not being complied with the obligations of the landlord, under any enactment, in relation to the dwelling or the tenancy (and in particular, the landlord's obligations under regulations under section 18 of the Housing (Miscellaneous Provisions) Act 1992),

(*c*) allow, at reasonable intervals, the landlord, or any person or persons acting on the landlord's behalf, access to the dwelling (on a date and time agreed in advance with the tenant) for the purposes of inspecting the dwelling,

F39**[**(*ca*) on the request of the landlord or any person or persons acting on the landlord's behalf in relation to the landlord's intended entry into an enforceable agreement of the type referred to in *paragraph 3* of the Table to *section 34* (in this paragraph referred to as an "intended transfer"), allow, at reasonable intervals—

(i) the landlord,

(ii) any person or persons acting on the landlord's behalf,

(iii) a prospective buyer of the dwelling (accompanied by a person referred to in *subparagraph (i)* or *(ii)*), or

(iv) any person or persons acting on the prospective buyer's behalf (accompanied by a person referred to in *subparagraph (i)* or *(ii)*),

access to the dwelling (on a date and time agreed in advance with the tenant) for the purposes of inspecting the dwelling in connection with the intended transfer.**]**

(*d*) notify the landlord or his or her authorised agent of any defect that arises in the dwelling that requires to be repaired so as to enable the landlord comply with his or her obligations, in relation to the dwelling or the tenancy, under any enactment,

(*e*) allow the landlord, or any person or persons acting on the landlord's behalf, reasonable access to the dwelling for the purposes of allowing any works (the responsibility for the carrying out of which is that of the landlord) to be carried out,

(*f*) not do any act that would cause a deterioration in the condition the dwelling was in at the commencement of the tenancy, but there shall be disregarded, in determining whether this obligation has been complied with at a particular time, any deterioration in that condition owing to normal wear and tear, that is to say wear and tear that is normal having regard to—

(i) the time that has elapsed from the commencement of the tenancy,

(ii) the extent of occupation of the dwelling the landlord must have reasonably foreseen would occur since that commencement, and

(iii) any other relevant matters,

(*g*) if *paragraph (f)* is not complied with, take such steps as the landlord may reasonably require to be taken for the purpose of restoring the dwelling to the condition mentioned in *paragraph (f)* or to defray any costs incurred by the landlord in his or her taking such steps as are reasonable for that purpose,

(*h*) not behave within the dwelling, or in the vicinity of it, in a way that is anti-social or allow other occupiers of, or visitors to, the dwelling to behave within it, or in the vicinity of it, in such a way,

(*i*) not act or allow other occupiers of, or visitors to, the dwelling to act in a way which would result in the invalidation of a policy of insurance in force in relation to the dwelling,

(*j*) if any act of the tenant's, or any act of another occupier of, or visitor to, the dwelling which the tenant has allowed to be done, results in an increase in the premium payable under a policy of insurance in force in relation to the dwelling, pay to the landlord an amount equal to the amount of that increase ("the increased element") (and that obligation to pay such an amount shall apply in respect of each further premium falling due for payment under the policy that includes the increased element),

(*k*) F43**[**subject to *section 3A(4)* (inserted by section 4 of the Residential Tenancies (Amendment) Act 2015), not assign or sub-let**]** the tenancy without the written consent of the landlord (which consent the landlord may, in his or her discretion, withhold),

(*l*) not alter or improve the dwelling without the written consent of the landlord which consent the landlord—

(i) in case the alteration or improvement consists only of repairing, painting and decorating, or any of those things, may not unreasonably withhold,

(ii) in any other case, may, in his or her discretion, withhold,

(*m*) not use the dwelling or cause it to be used for any purpose other than as a dwelling without the written consent of the landlord (which consent the landlord may, in his or her discretion, withhold), and

(*n*) notify in writing the landlord of the identity of each person (other than a multiple tenant) who, for the time being, resides ordinarily in the dwelling.

Annotations

Amendments:

F39 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 7, S.I. No. 67 of 2026.

F40 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 5(a), (c), commenced on enactment.

F41 Deleted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 5(b), commenced on enactment.

F42 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 5(d), commenced on enactment.

F43 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 4(3), S.I. No. 151 of 2016.

F44 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 24(a), (b), not commenced as of date of revision.

F45 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 24(c), not commenced as of date of revision.

Modifications (not altering text):

C14 Prospective affecting provision: paras. (m), (n) amended and para. (o) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 24, not commenced as of date of revision.

(*m*) not use the dwelling or cause it to be used for any purpose other than as a dwelling without the written consent of the landlord (which consent the landlord may, in his or her discretion, F44**[**withhold),**]**

(*n*) notify in writing the landlord of the identity of each person (other than a multiple tenant) who, for the time being, resides ordinarily in the F44**[**dwelling, and**]**

F45**[**(*o*) where a deposit referred to in *section 12(1)(d)* has been paid to the landlord by the tenant, for the purpose of the effecting, by the Board, the return of the deposit to the tenant subject to the conditions specified in *section 12(4)* and ascertaining, for the purpose of such return, if a default referred to in *section 12(4)* is to be taken into account—

(i) to respond to the notification of the Board that relates to the return of the deposit in accordance with this Act,

(ii) to provide information, in accordance with this Act, to the Board of any such default, and

(iii) to notify the Board, as soon as practicable, of his or her address for correspondence when the tenancy has ended.**]**

C15 Application of para. (k) restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 32(4)(b), S.I. No. 424 of 2021.

Application of Act of 2004

32.— ...

(4) Subject to subsection (5), a tenant of a cost rental dwelling shall not assign or sub-let the cost rental tenancy and— ...

(b) section 16(k) of the Act of 2004 shall not apply to a cost rental tenancy.

Section 16:interpretation and supplemental.

17.—(1) In *section 16*—

"alter or improve", in relation to a dwelling, includes—

(*a*) alter a locking system on a door giving entry to the dwelling, and

(*b*) make an addition to, or alteration of, a building or structure (including any building or structure subsidiary or ancillary to the dwelling),

"behave in a way that is anti-social" means—

(*a*) engage in behaviour that constitutes the commission of an offence, being an offence the commission of which is reasonably likely to affect directly the well-being or welfare of others,

(*b*) engage in behaviour that causes or could cause fear, danger, injury, damage or loss to any person living, working or otherwise lawfully in the dwelling concerned or its vicinity and, without prejudice to the generality of the foregoing, includes violence, intimidation, coercion, harassment or obstruction of, or threats to, any such person, or

(*c*) engage, persistently, in behaviour that prevents or interferes with the peaceful occupation—

(i) by any other person residing in the dwelling concerned, of that dwelling,

(ii) by any person residing in any other dwelling contained in the property containing the dwelling concerned, of that other dwelling, or

(iii) by any person residing in a dwelling ("neighbourhood dwelling") in the vicinity of the dwelling or the property containing the dwelling concerned, of that neighbourhood dwelling.

(2) The reference in *section 16(b)* to an act or omission by the tenant shall be deemed to include a reference to an act or omission by any other person who, at the time of the doing of the act or the making of the omission, is in the dwelling concerned with the consent of the tenant.

(3) The landlord shall be entitled to be reimbursed by the tenant any costs or expenses reasonably incurred by him or her in deciding upon a request for consent in relation to the tenant's doing a thing referred to in *paragraph (k), (l)* or *(m)* of *section 16* (whether the consent is granted or refused).

(4) If the amount of the premium referred to in *section 16(j)* is, apart for the reason mentioned in that provision, subsequently increased or reduced then the reference in that provision to the increased element shall be construed as a reference to the amount concerned as proportionately adjusted in line with the increase or reduction.

No contracting out from terms of *section 12* or *16* permitted, etc.

18.—(1) Subject to *subsections (2)* and *(3)*, no provision of any lease, tenancy agreement, contract or other agreement (whether entered into before, on or after the commencement of this Part) may operate to vary, modify or restrict in any way *section 12* or *16*.

(2) *Subsection (1)* does not prevent more favourable terms for the tenant than those that apply by virtue of *section 12* being provided for in the lease or tenancy agreement concerned.

(3) Obligations additional to those specified in *section 16* may be imposed on the tenant by the lease or tenancy agreement concerned but only if those obligations are consistent with this Act.

PART 3

RENT AND RENT REVIEWS

Annotations

Modifications (not altering text):

C16 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. (1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

...

Setting of rent above market rent prohibited.

19.—(1) In setting, at any particular time, the rent under the tenancy of a dwelling, an amount of rent shall not be provided for that is greater than the amount of the market rent for that tenancy at that time.

(2) The reference in this section to the setting of the rent under a tenancy is a reference to—

(*a*) the initial setting of the rent under the tenancy, and

(*b*) any subsequent setting of the rent under the tenancy by way of a review of that rent.

F46**[**(3) The setting of the rent under the tenancy of a dwelling that is carried out on or after the F47**[**1 March 2026**]** shall be subject to *subsections (4)* to *(7)*.**]**

F48**[**(4) (*a*) The setting (in this subsection referred to as the "next setting") of a rent under the tenancy of a dwelling F49**[**...**]** shall F50**[**, subject to paragraph (*aa*)**]** neither—

(i) result in such increase in rent as would cause the new rent under the tenancy to exceed the old rent by more than the relevant percentage, nor

(ii) result in such increase in rent as would cause the ratio of the new rent under the tenancy to the old rent to exceed the ratio of the current F51**[**CPI number**]** to the previous F51**[**CPI number**]**.

F52**[**(*aa*) *subparagraph (i)* of *paragraph (a)* shall not apply where—

(i) the dwelling is one of a number of dwellings comprising an apartment complex or a dwelling situated in a building or part of a building referred to in *subsection (1A)* of *section 3* to which this Act applies,

(ii) a commencement notice or a 7 day notice, as the case may be, was given or submitted to a building control authority on or after 10 June 2025, and any regulations made under section 6 (2) of the Building Control Act 1990 have been complied with, in respect of—

(I) works consisting of construction of the apartment complex, or building or part of a building, as the case may be, in which the dwelling is situated,

(II) works consisting of an extension to permanently increase the floor area of the apartment complex, or building or part of a building in which the dwelling is situated, by an amount not less than 25 per cent of that floor area as it stood immediately before the commencement of the works, or

(III) works in respect of a change of use of a structure to create the apartment complex, or building or part of a building in which the dwelling is situated, where on completion of the works the apartment complex or building or part of a building, as the case may be, occupies not less than 25 per cent of the floor area of the structure as it stood immediately before the commencement of the works.**]**

(*b*) In this subsection—

"current F53**[**CPI number**]**" means the F53**[**CPI number**]** published by the Board in accordance with *subsection (4C)* relating—

(*a*) to the month immediately preceding the month in which the next setting takes place, or

(*b*) in a case in which the F53**[**CPI number**]** relating to the month first-mentioned in *paragraph (a)* is not so published on or before the next setting, to the month immediately preceding that month;

"new rent" means, in relation to the tenancy of a dwelling, the rent under the tenancy set at the next setting;

"old rent" means, in relation to the tenancy of a dwelling—

(*a*) the rent under that tenancy set at the previous setting, or

(*b*) where that tenancy is a new tenancy, the rent under the tenancy (immediately preceding the new tenancy) of that dwelling set at the previous setting;

"previous F53**[**CPI number**]**" means—

(*a*) in relation to a previous setting that took place before F54**[**1 March 2026**]**, the F53**[**CPI number**]** published by the Board in accordance with *subsection (4C)* relating to the month in which the previous setting took place,

(*b*) in relation to a previous setting that takes place on or after F54**[**1 March 2026**]**—

(i) the F53**[**CPI number**]** published by the Board in accordance with *subsection (4C)* relating to the month immediately preceding the month in which the previous setting took place, or

(ii) in circumstances where the F53**[**CPI number**]** referred to in *subparagraph (i)* was not so published by the time the previous setting took place, the F53**[**CPI number**]** so published relating to the month immediately preceding the month first-mentioned in that subparagraph;

"previous setting" means, in relation to the next setting of a rent under the tenancy of a dwelling, the most recent setting (before the next setting) of the rent under—

(*a*) that tenancy of the dwelling, or

(*b*) where the next setting relates to a new tenancy of that dwelling, the tenancy of that dwelling immediately preceding the new tenancy;

"relevant percentage" means, in relation to the setting of the rent under the tenancy of a dwelling—

(*a*) 2 per cent of the old rent in respect of each year that has elapsed since the previous setting, and

(*b*) as respects any additional period that has elapsed between the previous setting and the next setting that is shorter than a year, such percentage as bears to 2 per cent the same proportion that that period bears to a year.

(*c*) For the purposes of this subsection, a tenancy immediately precedes a new tenancy if—

(i) it expired at any time—

(I) during the period of 2 years prior to the creation or coming into being of the new tenancy, or

(II) in the case of a new tenancy to which *subparagraph (i)* of *paragraph (a)* of *subsection (5)* applies, during the period of one year prior to the creation or coming into being of the new tenancy, and

(ii) no other tenancy was created or came into being during the period between the expiration of that tenancy and the creation, or coming into being, of the new tenancy.**]**

F55**[**(4A) F56**[**...**]**

(4B) F56**[**...**]**

(4C) The Board shall—

(*a*) F57**[**...**]**

F58**[**(*aa*) establish and maintain a rent increase calculator to calculate any increase in rent in accordance with *subsection (4)*,**]**

(*b*) publish and keep up to date a table of F59**[**CPI numbers**]** published by the Central Statistics Office.

(4D) The Minister, for the purposes of F60**[***subsections (4)* and *(4C)***]**, may prescribe—

(*a*) F61**[**...**]**

F62**[**(*aa*) the means by which the rent increase calculator referred to in *subsection (4C)(aa)* shall operate to accurately calculate any increase in rent by applying the CPI numbers to the rent,**]**

(*b*) the information to be furnished in the table referred to in *subsection (4C)(b)*, F63**[**and**]**

(*c*) the form and manner of publication by the Board of that calculator and F60**[**table.**]**

(*d*) F64**[**...**]]**

F46**[**(5) F65**[***Subsection (4)* does not apply**]**—

F66**[**(*a*) to the rent first set under a tenancy created on or after 1 March 2026 of—

(i) a dwelling—

(I) in a protected structure or proposed protected structure within the meaning of section 2 of the Planning and Development Act 2024, or

(II) that is such a structure,

provided that no tenancy in respect of that dwelling subsisted during the period of one year immediately preceding the date on which the tenancy concerned was created,

(ii) a dwelling, other than a dwelling referred to in *subparagraph (i)*, in respect of which no tenancy subsisted during the period of two years immediately preceding the date on which the tenancy concerned was created,

(iii) a dwelling, other than a dwelling referred to in *subsection (1A)* of *section 3*, in respect of which the most recent previous tenancy during the period of two years immediately preceding the date on which the tenancy concerned was created, was—

(I) a *Part 4* tenancy that was terminated by the landlord by serving a notice of termination on the tenant of the dwelling that cited as a reason or reasons for the termination the ground or grounds specified in *paragraph 1, 1A* or *2* of the Table to *section 34*, or

(II) a tenancy to which *Part 4* did not apply that was terminated by the landlord by serving a notice of termination that stated as a reason or reasons for the termination the grounds referred to in *section 62(1)(da)(i), (ii)* or *(iii)*,

or

(iv) a dwelling, other than a dwelling referred to in *subsection (1A)* of *section 3*, in respect of which the most recent previous tenancy was terminated by the tenant,**]**

F67**[**(*aa*) in the case of a tenancy (other than a tenancy to which section 5 (4) of the Residential Tenancies (Amendment) Act 2021 applies) created on or after 1 March 2026 of a dwelling (other than a dwelling referred to in *subsection (1A)* of *section 3*), to the rent set under the tenancy following a period of not less than 6 years during which—

(i) *subsection (4)* applied to the rent under the tenancy, and

(ii) any setting of that rent was in compliance with the requirements of *subsection (4)*,

(*ab*) in the case of a tenancy created on or after 1 March 2026 and before 1 March 2029 of a dwelling referred to in *subsection (1A)* of *section 3*, to the rent set under the tenancy following a period of not less than 3 years during which—

(i) *subsection (4)* applied to the rent under the tenancy, and

(ii) any setting of that rent was in compliance with the requirements of *subsection (4)*,

(*ac*) in the case of a tenancy created on or after 1 March 2029 of a dwelling referred to in *subsection (1A)* of *section 3* that was such a dwelling for the 3 years immediately preceding the date on which the tenancy concerned was created—

(i) to the rent first set under the tenancy, provided that—

(I) a tenancy in respect of the dwelling subsisted for at least 6 months during each of those 3 years,

(II) *subsection (4)* applied to the rent under the tenancy or tenancies, and

(III) any setting of that rent was in compliance with the requirements of *subsection (4)*,

and

(ii) to any rent subsequently set under the tenancy following a period of not less than 3 years during which—

(I) *subsection (4)* applied to the rent under the tenancy or tenancies, and

(II) any setting of that rent was in compliance with the requirements of *subsection (4)*, or**]**

(*b*) if, in the period since the rent was last set under a tenancy for the dwelling—

(i) a substantial change in the nature of the accommodation provided under the tenancy occurs, and

(ii) the rent under the tenancy, were it to be set immediately after that change, would, by virtue of that change, be F68**[**greater than**]** the market rent for the tenancy at the time the rent was last set under a tenancy for the dwelling.**]**

F69**[**(5A) For the purposes of *paragraph (b)* of *subsection (5)*, a substantial change in the nature of the accommodation provided under the tenancy shall only have taken place where—

(*a*) the works carried out to the dwelling concerned—

(i) consist of a permanent extension to the dwelling that increases the F70**[**floor area of the dwelling by an amount equal to not less than 25

per cent of the floor area**]** of the dwelling as it stood immediately before the commencement of those works,

(ii) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, result in the BER F71**[**...**]** being improved by not less than 7 building energy ratings, or

(iii) result in any 3 or more of the following:

(I) the internal layout of the dwelling being permanently altered;

(II) the dwelling being adapted to provide for access and use by a person with a disability, within the meaning of the Disability Act 2005;

(III) a permanent increase in the number of rooms in the dwelling;

(IV) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has a BER of D1 or lower, the BER F71**[**...**]** being improved by not less than 3 building energy ratings; or

(V) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has a BER of C3 or higher, the BER F71**[**...**]** being improved by not less than 2 building energy ratings,

and

(*b*) the works carried out under *paragraph (a)* do not solely consist of works carried out for the purposes of compliance with *section 12(1)(b)*.**]**

F72**[**(5B) Where, in setting, at any particular time, the rent under the tenancy of a dwelling F73**[**...**]**, a landlord seeks to rely on *subsection (5)*, the landlord shall—

(*a*) serve a notice in the prescribed form together with all relevant supporting information on the Board F74**[**and the tenant**]** setting out the reasons why, in the landlord's opinion, *subsection (4)* does not apply to the dwelling,

(*b*) specify in the notice the rent set under the tenancy of the dwelling and the amount of rent last set under the tenancy of the dwelling, and

(*c*) serve the notice and information under *paragraphs (a)* and *(b)* within 1 month from the setting of the rent under the tenancy of the dwelling.**]**

F75**[**(6) Where a notice referred to in *section 22(2)* has been served by a landlord on the tenant before 1 March 2026, then this section shall apply to the new rent, referred to in *section 22(2)*, stated in that notice in accordance with *section 22*, as if section 8 of the Residential Tenancies (Miscellaneous Provisions) Act 2026 had not been enacted.**]**

F76**[**(6A) A person who fails to comply with the requirements of F77**[***subsection (4)* F64**[**...**]]** shall be guilty of an offence.**]**

F78**[**(6B) A person, who in purported compliance with *subsection (5B)*, furnishes information to the Board which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading shall be guilty of an offence.

(6C) A person who fails to comply with the requirements of *subsection (5B)* shall be guilty of an offence.**]**

F79**[**(7) In this section—

"7 day notice" has the same meaning as it has in the Building Control Act 1990;

"building control authority" has the same meaning as it has in the Building Control Act 1990;

"commencement notice" means a notice referred to in paragraph (k) of section 6 (2) of the Building Control Act 1990;

"CPI number" means the All Items Consumer Price Index Number compiled and published by the Central Statistics Office.**]**

Annotations

Amendments:

F46 Inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 34, commenced as per s. 1(3)(b).

F47 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(a), S.I. No. 67 of 2026.

F48 Substituted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(a), commenced on enactment.

F49 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(b)(i)(I), (II), S.I. No. 67 of 2026.

F50 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(b)(i)(II), S.I. No. 67 of 2026.

F51 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(b)(i)(III), S.I. No. 67 of 2026.

F52 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(b)(ii), S.I. No. 67 of 2026.

F53 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(b)(iii)(I), S.I. No. 67 of 2026.

F54 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(b)(iii)(II), S.I. No. 67 of 2026.

F55 Inserted (16.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 6(b), (f), S.I. No. 361 of 2021.

F56 Deleted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(b), commenced on enactment.

F57 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(c)(i), S.I. No. 67 of 2026.

F58 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(c)(ii), S.I. No. 67 of 2026.

F59 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(c)(iii), S.I. No. 67 of 2026.

F60 Substituted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(d)(i), (iii), commenced on enactment.

F61 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(d)(i), S.I. No. 67 of 2026.

F62 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(d)(ii), S.I. No. 67 of 2026.

F63 Inserted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(d)(ii), commenced on enactment.

F64 Deleted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(d)(iv), (g), commenced on enactment.

F65 Substituted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(e), commenced on enactment.

F66 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(e)(i), S.I. No. 67 of 2026.

F67 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(e)(ii), S.I. No. 67 of 2026.

F68 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(1)(a), (b), S.I. No. 236 of 2019.

F69 Inserted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(1)(c), S.I. No. 236 of 2019, subject to transitional provision in subs. (2).

F70 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(f)(i), S.I. No. 67 of 2026.

F71 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(f)(ii), S.I. No. 67 of 2026.

F72 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(c), S.I. No. 286 of 2019.

F73 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(g)(i), S.I. No. 67 of 2026.

F74 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(g)(ii), S.I. No. 67 of 2026.

F75 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(h), S.I. No. 67 of 2026.

F76 Inserted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(1)(e), S.I. No. 236 of 2019.

F77 Substituted (16.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 6(e), S.I. No. 361 of 2021.

F78 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(1)(e), S.I. No. 286 of 2019.

F79 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 8(i), S.I. No. 67 of 2026.

Modifications (not altering text):

C17 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. (1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

...

Editorial Notes:

E22 Power pursuant to section exercised (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), in operation as per reg. 2.

E23 Review of operation of subs. (4) provided (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(2), commenced on enactment.

E24 Previous affecting provision: subs. (5)(a)(i)(I) amended by *Planning and Development Act 2024* (34/2024), s. 631 and sch. 7 ref. no. 24, not commenced; para. (1) substituted (1.03.2026) as per F-note above.

E25 Previous affecting provision: subs. (6) amended (18.10.2024) by *Planning and Development Act 2024* (34/2024), s. 634(a), commenced as per s. 1(4); substituted (1.03.2026) as per F-note above.

E26 Previous affecting provision: subs. (4C)(a) amended (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(c), commenced on enactment; para. (a) deleted (1.03.2026) as per F-note above.

E27 Previous affecting provision: subs. (6) amended (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(f), commenced on enactment; subsection substituted (1.03.2026) as per F-note above.

E28 Previous affecting provision: subss. (5), (6) amended (16.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 6(c), (d), S.I. No. 361 of 2021; substituted (11.12.2021) as per F-note above.

E29 Previous affecting provision: subs. (7), definition of "new date" deleted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 3(1)(h), commenced on enactment; subsection substituted (1.03.2026) as per F-note above.

E30 Previous affecting provision: definition of "new date" inserted (16.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 6(f), S.I. No. 361 of 2021; deleted (11.12.2021) as per E-note above.

E31 Previous affecting provision: subs. (4) amended (16.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 6(a), S.I. No. 361 of 2021; subsection substituted as per F-note above.

E32 Previous affecting provision: subs. (5)(a) substituted (15.07.2019) by *Local Government Rates and other Matters Act 2019* (24/2019), s. 25(1)(b), S.I. No. 355 of 2019; substituted (1.03.2026) as per F-note above.

E33 Previous affecting provision: subs. (4) amended (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(1)(a), S.I. No. 236 of 2019; subsection substituted as per F-note above.

E34 Previous affecting provision: subs. (5)(a) substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(1)(b), S.I. No. 236 of 2019; substituted as per F-note above.

E35 Previous affecting provision: subs. (6) substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 6(1)(d), S.I. No. 236 of 2019; substituted (1.03.2026) as per F-note above.

E36 Previous affecting provision: subs. (4) inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 34, commenced as per s. 1(3)(b); substituted (11.12.2021) as per F-notes above.

E37 Previous affecting provision: subss. (6), (7) inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 34, commenced as per s. 1(3)(b); substituted (1.03.2026) as per F-note above.

F80[Setting of rent under tenancy for dwellings referred to in *section 3(4)*

19A.—(1) In setting the rent under the tenancy of a dwelling referred to in *section 3(4)* the amount of rent under the tenancy of a dwelling—

(*a*) referred to in *paragraph (a)* of *section 3(4)*, shall be determined in accordance with the contract or lease referred to in *section 3(2A)*, and

(*b*) referred to in *paragraph (b)* of *section 3(4)*, shall be determined in accordance with the terms of the assistance referred to in that paragraph.

(2) Where there is a subsequent setting of rent under a tenancy referred to in *subsection (1)* by way of a review under *section 20A*, the amount of rent set following such review shall be determined—

(*a*) in the case of a dwelling referred to in *paragraph (a)* of *subsection (1)*, in accordance with the contract or lease referred to in that paragraph, and

(*b*) in the case of a dwelling referred to in *paragraph (b)* of *subsection (1)*, in accordance with the assistance referred to in that paragraph.**]**

Annotations

Amendments:

F80 Inserted (7.04.2016) by *Residential Tenancies Act 2015* (42/2015), s. 6, S.I. No. 151 of 2016.

Modifications (not altering text):

C18 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. (1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

Editorial Notes:

E38 The section heading is taken from the amending section in the absence of one included in the amendment.

F81**[**Restrictions on amounts payable

19B.—(1) F82**[**Payment shall not be sought from a person or a person shall not be required,**]** for the purpose of securing a tenancy, to make any payment other than—

(*a*) an advance payment of rent, which shall be no greater than the amount of rent payable under the tenancy agreement in respect of a period of one month, and

(*b*) a deposit of an amount no greater than that payable under the tenancy agreement as rent in respect of a period of one month.

(2) A tenancy agreement shall not provide for an advance payment of rent, during the currency of the tenancy, which exceeds an amount that is payable under the tenancy as rent in respect of a period of one month and any payment made under *paragraph (a)* of *subsection (1)* shall be treated as an advance payment of rent for the purposes of this subsection.

(3) F82**[**Subject to *subsection (3A)* and notwithstanding**]** *subsections (1)(a)* and *(2)*, a tenant of a dwelling referred to in *subsection (1A)* of *section 3* may, if he or she so wishes, and with the agreement of his or her landlord, make an advance payment of rent which exceeds an amount that would be payable under the tenancy as rent in respect of a period of one month.

F83**[**(3A) An advance payment of rent may only be made in accordance with *subsection (3)* where the tenant is liable to pay both of the following to a single relevant provider:

(*a*) tuition fees;

(*b*) rent in respect of a tenancy.**]**

(4) Nothing in this section shall prevent a landlord from requiring a tenant to pay to him or her any monies arising from any outstanding legal obligations, whether on foot of the tenancy agreement, any previous tenancy or otherwise.

(5) This section shall apply to a tenancy created not earlier than one month after the passing of the Residential Tenancies (No. 2) Act 2021.**]**

F83**[**(6) In this section—

"landlord" in addition to the meaning assigned to it by *section 5*, includes a person holding himself, herself or itself out to have a dwelling available for occupation under a tenancy;

"relevant provider" has the meaning given to it by the Qualifications and Quality Assurance (Education and Training) Act 2012;

"tuition fees" has the meaning given to it by the Student Support Act 2011.**]**

Annotations

Amendments:

F81 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 7, commenced on enactment.

F82 Substituted (19.07.2024) by *Residential Tenancies (Amendment) Act 2024* (22/2024), s. 2(1)(a), (b), S.I. No. 358 of 2024, subject to transitional provision in subs. (2).

F83 Inserted (19.07.2024) by *Residential Tenancies (Amendment) Act 2024* (22/2024), s. 2(1)(c), (d), S.I. No. 358 of 2024, subject to transitional provision in subs. (2).

Modifications (not altering text):

C19 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

Editorial Notes:

E39 The section heading is taken from the amending section in the absence of one included in the amendment.

F84**[**Duration of tenancy for dwellings referred to in *section 3(1A)*

19C.—(1) The duration of a tenancy of a relevant dwelling shall not exceed a period of 41 weeks.

(2) A landlord shall not request that a person enters or require a person to enter into a lease or tenancy agreement in relation to a relevant dwelling the duration of which exceeds a period of 41 weeks.

(3) Notwithstanding *subsection (1)* or *(2)*, a person may, at his or her request, and with the agreement of the landlord, enter into a lease or tenancy agreement in relation to a relevant dwelling the duration of which is a period of more than 41 weeks.

(4) In this section—

"landlord" in addition to the meaning assigned to it by *section 5*, includes a person holding himself, herself or itself out as having a relevant dwelling available for occupation under a tenancy;

"relevant dwelling" means a dwelling referred to in *subsection (1A)* of *section 3*.**]**

Annotations

Amendments:

F84 Inserted (19.07.2024) by *Residential Tenancies (Amendment) Act 2024* (22/2024), s. 3, S.I. No. 358 of 2024, subject to transitional provision in subs. (2).

Editorial Notes:

E40 The section heading is taken from the amending section in the absence of one included in the amendment.

Frequency with which rent reviews may occur.

20.—(1) Subject to *subsection (3)*, a review of the rent under the tenancy of a dwelling may not occur—

(*a*) more frequently than once in each period of 12 months, nor

(*b*) in the period of 12 months beginning on the commencement of the tenancy.

(2) *Subsection (1)* has effect notwithstanding any provision to the contrary in the lease or tenancy agreement concerned.

(3) *Subsection (1)* does not apply despite the fact that a period of less than 12 months has elapsed from—

(*a*) the last review of the rent under the tenancy, or

(*b*) the commencement of the tenancy,

if, in that period—

(i) a substantial change F85**[**(within the meaning of *subsection (5A)* of *section 19*)**]** in the nature of the accommodation provided under the tenancy occurs, and

(ii) the rent under the tenancy, were it to be set immediately after that change, would, by virtue of that change, be different to what was the market rent for the tenancy at the time of that last review or the commencement of the tenancy, as the case may be.

F86**[**(4) The references to "12 months" in—

(*a*) *paragraphs (a)* and *(b)* of *subsection (1)*, and

(*b*) *subsection (3)*,

shall, for the duration of the relevant period, be construed as references to "24 months".

(5) *Subsections (4)* and *(6)* shall cease to have effect on F87**[**F88**[**the day following the day on which the relevant period ends**]** and from that day**]**—

(*a*) *paragraphs (a)* and *(b)* of *subsection (1)*, and

(*b*) *subsection (3)*,

shall be read as if *subsection (4)* had not been enacted.

(6) In F88**[***subsections (4)* and *(5)***]**, "relevant period" means the period commencing on the day on which section 25 of the Residential Tenancies (Amendment) Act 2015 comes into operation and ending on F88**[**the day that falls two years after the coming into operation of the *Residential Tenancies (Amendment) Act 2025***]**.**]**

Annotations

Amendments:

F85 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 8(a), commenced on enactment.

F86 Inserted (4.12.2015) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 25(1), commenced on enactment, subject to transitional provisions in subss. (2), (3).

F87 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 7(a), S.I. No. 236 of 2019.

F88 Substituted (20.06.2025) by *Residential Tenancies (Amendment) Act 2025* (5/2025), s. 2(a), (b)(i), (ii), commenced as per s. 5(2).

Modifications (not altering text):

C20 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

Editorial Notes:

E41 Previous affecting provision: subs. (5), (6) amended (18.10.2024) by *Planning and Development Act 2024* (34/2024), s. 634(b)(I), (ii), commenced as per s. 1(4); substituted (20.06.2025) as per F-note above.

E42 Previous affecting provision: subss. (5), (6) substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 8(b), (c), commenced on enactment; substituted as per F-note above.

E43 Previous affecting provision: subss. (5), (6) substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 7(b), S.I. No. 236 of 2019; substituted as per F-note above.

F90**[**Rent review for dwellings referred to in *section 3(4)* of Principal Act

20A.—(1) A review of the rent under the tenancy of a dwelling referred to in *section 3(4)* shall be carried out in accordance with the tenancy agreement relating to the tenancy of the dwelling.

(2) Where a tenancy agreement referred to in *subsection (1)* does not include provision for a review of the rent of a dwelling referred to in *section 3(4)*, subject to *subsection (3)*, either party may require a review of the rent under the tenancy to be carried out for the purpose of setting the rent.

(3) A review referred to in *subsection (2)* shall not be carried out more than once in any 12 month period.**]**

Annotations

Amendments:

F89 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 9, S.I. No. 67 of 2026.

F90 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 7, S.I. No. 151 of 2016.

Modifications (not altering text):

C21 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

Editorial Notes:

E44 The section heading is taken from the amending section in the absence of one included in the amendment.

F91**[**Application of *section 20* (frequency with which rent reviews may occur)

20B. (1) Where, immediately before the coming into operation of section 2 (*a*) of the Residential Tenancies (Miscellaneous Provisions) Act 2026, *section 24C* applied to a tenancy, *section 24C* shall continue to apply to the tenancy as if that Act had not been enacted.

(2) Where a tenancy commences on or after 1 March 2026, then any review of the rent under the tenancy shall be carried out as if *subsections (4)* to *(6)* of *section 20* had not been enacted.**]**

Annotations

Amendments:

F91 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 9, S.I. No. 67 of 2026.

Editorial Notes:

E45 The section heading is taken from the amending section in the absence of one included in the amendment.

Right to review of rent where none provided.

21.—If the lease or tenancy agreement concerned does not provide for such a review or the tenancy concerned is an implied one, either party may, subject to *section 20*, require a review of the rent under the tenancy to be carried out and a new rent, if appropriate, set on foot of that review.

Annotations

Modifications (not altering text):

C22 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

Tenant to be notified of new rent.

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 F92**[**90 days**]** before the date from which the new rent is to have effect, a notice F93**[**in the prescribed form**]** is served by the landlord on the tenant stating the amount of the new rent and the date from which it is to have effect F94**[**and the matters specified in *subsection (2A)* F95**[**, and a copy of that notice is served on the Board on the same day on which the notice is served on the tenant**]]**.

F94**[**(2A) The notice referred to in *subsection (2)* shall—

(*a*) without prejudice to *subsection (2)* and pursuant to the condition referred to in that subsection, state the amount of the new rent and the date from which it is to have effect,

(*b*) 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,

(*c*) 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) F96**[**rent information contained in the published register in relation to dwellings**]**—

F97**[**(I) of a similar size (determined by reference to floor area), number of bedrooms, type, character, and (where applicable) BER, to the dwelling 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,

(*d*) specify, for the purposes of F98**[***paragraph (c)***]**, and without prejudice to the generality of that paragraph, the F99**[**rent information contained in the published register and the number assigned under *section 135(3)* in respect of the most recent tenancy of each of 3 dwellings**]**—

F99**[**(i) of a similar size (determined by reference to floor area), number of bedrooms, type, character, and (where applicable) BER, to the dwelling the subject of the tenancy,**]**

(ii) situated in a comparable area to that in which the dwelling the subject of the tenancy concerned is situated,

F100**[**(*da*) specify the floor area of the dwelling the subject of the tenancy,

(*db*) where the dwelling the subject of the tenancy is a building to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, specify the BER in respect of that dwelling,**]**

F101**[**...**]**

(*e*) include the date on which the notice is F98**[**signed, F102**[**...**]]**

F103**[**(*f*) F104**[**...**]** state how the rent set under the tenancy was calculated having regard to *section 19(4)* or, where *section 19(4)* does not apply, state why it does F105**[**not apply, and**]]**

F106**[**(*g*) F104**[**...**]** state how any increase in the rent last set under the tenancy of the dwelling was calculated or, where F107**[***section 19(4)***]** does not apply, state why it does not apply.**]**

(2B) The notice referred to in *subsection (2)* shall be signed by the landlord or his or her authorised agent.

(2C) F108**[**...**]]**

(3) Where that condition is satisfied, a dispute in relation to a rent falling within *subsection (1)* must be referred to the Board under *Part 6* before—

(*a*) the date stated in the notice under *subsection (2)* as the date from which that rent is to have effect, or

(*b*) the expiry of 28 days from the receipt by the tenant of that notice,

whichever is the later.

F109**[**(4) It shall be an offence for a landlord to set a rent pursuant to a review of the rent under a tenancy by serving notice of the rent on the tenant other than in accordance with the condition specified in *subsection (2)*.**]**

Annotations

Amendments:

F92 Substituted (4.12.2015) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 26(1)(a)(i), commenced on enactment, subject to transitional provision in subs. (2).

F93 Substituted (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 26(1)(a)(ii), S.I. No. 216 of 2016.

F94 Inserted (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 26(1)(a)(iii) and (b), S.I. No. 216 of 2016.

F95 Inserted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(a), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F96 Substituted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(b)(i)(I), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F97 Substituted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(b)(i)(II), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F98 Substituted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 35(a), (b), commenced as per s. 1(3)(b).

F99 Substituted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(b)(ii)(I), (II), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F100 Inserted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(b)(iii), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F101 Deleted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 35(b), commenced as per s. 1(3)(b).

F102 Deleted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 9(a), commenced on enactment.

F103 Inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 35(b), commenced as per s. 1(3)(b).

F104 Deleted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(b)(iv), (v), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F105 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 9(b), commenced on enactment.

F106 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 9(c), commenced on enactment.

F107 Substituted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 4(a), commenced on enactment.

F108 Deleted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(b)(vi), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F109 Inserted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 10(b)(vii), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

Modifications (not altering text):

C23 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

Editorial Notes:

E46 Power pursuant to section exercised (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), in operation as per reg. 2.

F110[Notification of change in amount of rent following review under *section 20A*

22A.—Where, following a review of rent under *section 20A*, there is a change in the amount of rent, the landlord shall notify the tenant of the amount of rent set following that review in accordance with the tenancy agreement or where there is no such provision in the tenancy agreement, as soon as practicable.**]**

Annotations

Amendments:

F110 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 8, S.I. No. 151 of 2016.

Modifications (not altering text):

C24 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

Editorial Notes:

E47 The section heading is taken from the amending section in the absence of one included in the amendment.

Proceedings for rent arrears.

23.—Every person entitled to any rent in arrears or to be paid other charges under a tenancy of a dwelling (whether in his or her own right or as personal representative of a deceased landlord) shall be entitled to recover, under *Part 6*, such arrears or charges from the person who occupied the dwelling as a tenant in the period in which the arrears accrued or the charges arose or, as may be appropriate, from the person's personal representative.

Annotations

Modifications (not altering text):

C25 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

"Market rent", references to rent reviews, etc.

24.—(1) In this Part "market rent", in relation to the tenancy of a dwelling, 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

F111**[**(*b*) rent information contained in the published register in relation to dwellings of a similar size (determined by reference to floor area), number of bedrooms, type, character, and (where applicable) BER, to the dwelling and situated in a comparable area to that in which it is situated.**]**

(2) References in this Part to a review of a rent include references to—

(*a*) any procedure (however it is described) for determining whether, and to what extent, a reduction or increase in the amount of the rent for the time being payable under the tenancy concerned ought to have effect, and

(*b*) the effect of the operation of a provision of a lease or tenancy agreement providing that, by reference to any formula, happening of any event or other matter whatsoever (and whether any act, decision or exercise of discretion on the part of any person is involved or not), such a reduction or increase shall have effect,

and, in the case of a provision of the kind referred to in *paragraph (b)*, any prohibition under this Part on a review of rent occurring is to be read as a prohibition on the provision operating to have the foregoing effect.

(3) References in this Part to the setting of a rent are references to the oral agreeing of the rent or to its being provided for in a lease or tenancy agreement or, in the context of a review of rent—

(*a*) the oral agreeing of the rent,

(*b*) the oral or written notification of the rent, or

(*c*) in the case of a provision of the kind referred to in *subsection (2)(b)*, the rent being set by virtue of the operation of that provision.

Annotations

Amendments:

F111 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 11, S.I. No. 67 of 2026.

Modifications (not altering text):

C26 Application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021.

Setting and review of rent in cost rental tenancy

33.(1) Part 3 of the Act of 2004 shall not apply to the payment or setting of rent under a cost rental tenancy.

F112**[**Rent pressure zones

24A.—F113**[**...**]]**

Annotations

Amendments:

F112 Inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 36, commenced as per s. 1(3)(b).

F113 Repealed (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 2(a), S.I. No. 67 of 2026.

Editorial Notes:

E48 Power pursuant to subs. (5) exercised (15.05.2025 to 31.12.2025) by *Rent Pressure Zone (Local Electoral Area of Castlebar) Order 2025* (S.I. No. 187 of 2025), in effect per art. 2.

E49 Power pursuant to subs. (5) exercised (15.05.2025 to 31.12.2025) by *Rent Pressure Zone (Local Electoral Area of Tullow) Order 2025* (S.I. No. 186 of 2025), in effect per art. 2.

E50 Power pursuant to subs. (5) exercised (26.02.2025 to 31.12.2025) by *Rent Pressure Zone (Local Electoral Area of Athlone (Roscommon)) Order 2025* (S.I. No. 43 of 2025), in operation as per art. 2.

E51 Power pursuant to subs. (5) exercised (5.12.2024 to 31.12.2025) by *Rent Pressure Zone (Local Electoral Area of Sligo-Drumcliffe) Order 2024* (S.I. No. 675 of 2024), in operation as per art. 2.

E52 Power pursuant to subs. (5) exercised (12.09.2024 to 31.12.2024) by *Rent Pressure Zone (Local Electoral Area of Carrigaline) Order 2024* (S.I. No. 456 of 2024), in operation as per art. 2.

E53 Power pursuant to subs. (5) exercised (12.09.2024 to 31.12.2024) by *Rent Pressure Zone (Administrative Area of Galway County Council) Order 2024* (S.I. No. 455 of 2024), in operation as per art. 2.

E54 Power pursuant to subs. (5) exercised (30.11.2023 to 31.12.2024) by *Rent Pressure Zone (Administrative Area of Westmeath County Council) Order 2023* (S.I. No. 579 of 2023), in operation as per art. 2.

E55 Power pursuant to subs. (5) exercised (30.11.2023 to 31.12.2024) by *Rent Pressure Zone (Local Electoral Area of Shannon) Order 2023* (S.I. No. 578 of 2023), in operation as per art. 2.

E56 Note amendment of period for rent pressure zones in orders made under subs. (5) to 31 December 2021 made (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019, as amended to 31 December 2024 (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 18, commenced on enactment.

Note also extension of period for certain deemed rent pressure zones to 31 December 2024 in s. 24B below.

E57 Power pursuant to subs. (5) exercised (31.08.2023 to 31.12.2024) by *Rent Pressure Zone (Administrative Area Of Waterford City And County Council) Order 2023* (S.I. No. 433 of 2023), in operation as per art. 2.

E58 Power pursuant to subs. (5) exercised (31.08.2023 to 31.12.2024) by *Rent Pressure Zone (Administrative Area of Limerick City and County Council) Order 2023* (S.I. No. 432 of 2023), in operation as per art. 2.

E59 Power pursuant to subs. (5) exercised (31.08.2023 to 31.12.2024) by *Rent Pressure Zone (Administrative Area of Kilkenny County Council) Order 2023* (S.I. No. 431 of 2023), in operation as per art. 2.

E60 Power pursuant to subs. (5) exercised (31.08.2023 to 31.12.2024) by *Rent Pressure Zone (Local Electoral Area of Ennis) Order 2023* (S.I. No. 430 of 2023), in operation as per art. 2.

E61 Power pursuant to subs. (5) exercised (28.06.2023 to 31.12.2024) by *Rent Pressure Zone (Local Electoral Area of Westport) Order 2023* (S.I. No. 333 of 2023), in operation as per art. 2.

E62 Power pursuant to subs. (5) exercised (29.09.2020 to 31.12.2021) by *Rent Pressure Zone (Administrative Area of Kildare County Council) Order 2020* (S.I. No. 380 of 2020), in operation as per art. 2.

E63 Power pursuant to subs. (5) exercised (16.07.2020 to 31.12.2020) by *Rent Pressure Zone (Local Electoral Area of Bandon - Kinsale) Order 2020* (S.I. No. 247 of 2020), in operation as per art. 2.

E64 Power pursuant to subs. (5) exercised (22.04.2020 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Tullamore) Order 2020* (S.I. No. 140 of 2020), in operation as per art. 2.

E65 Power pursuant to subs. (5) exercised (22.04.2020 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Mullingar) Order 2020* (S.I. No. 139 of 2020), in operation as per art. 2.

E66 Power pursuant to subs. (5) exercised (22.04.2020 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Mallow) Order 2020* (S.I. No. 138 of 2020), in operation as per art. 2.

E67 Power pursuant to subs. (5) exercised (22.04.2020 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Killarney) Order 2020* (S.I. No. 137 of 2020), in operation as per art. 2.

E68 Power pursuant to subs. (5) exercised (22.04.2020 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Athy) Order 2020* (S.I. No. 136 of 2020), in operation as per art. 2.

E69 Power pursuant to subs. (5) exercised (18.12.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Strandhill) Order 2019* (S.I. No. 647 of 2019), in operation as per art. 2.

E70 Power pursuant to subs. (5) exercised (18.12.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Piltown) Order 2019* (S.I. No. 646 of 2019), in operation as per art. 2.

E71 Power pursuant to subs. (5) exercised (18.12.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Cobh) Order 2019* (S.I. No. 645 of 2019), in operation as per art. 2.

E72 Power pursuant to subs. (5) exercised (18.12.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Baltinglass) Order 2019* (S.I. No. 644 of 2019), in operation as per art. 2.

E73 Power pursuant to subs. (5) exercised (26.09.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Macroom) Order 2019* (S.I. No. 479 of 2019), in operation as per art. 2.

E74 Power pursuant to subs. (5) exercised (26.09.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Carlow) Order 2019* (S.I. No. 478 of 2019), in operation as per art. 2.

E75 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Waterford City South) Order 2019* (S.I. No. 326 of 2019), in operation as per art. 2.

E76 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Waterford City East) Order 2019* (S.I. No. 325 of 2019), in operation as per art. 2.

E77 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Trim) Order 2019* (S.I. No. 324 of 2019), in operation as per art. 2.

E78 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Portlaoise) Order 2019* (S.I. No. 323 of 2019), in operation as per art. 2.

E79 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Midleton) Order 2019* (S.I. No. 322 of 2019), in operation as per art. 2.

E80 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Limerick City West) Order 2019* (S.I. No. 321 of 2019), in operation as per art. 2.

E81 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Limerick City North) Order 2019* (S.I. No. 320 of 2019), in operation as per art. 2.

E82 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Kilkenny) Order 2019* (S.I. No. 319 of 2019), in operation as per art. 2.

E83 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Kells) Order 2019* (S.I. No. 318 of 2019), in operation as per art. 2.

E84 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Graiguecullen - Portarlington) Order 2019* (S.I. No. 317 of 2019), in operation as per art. 2.

E85 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Gort - Kinvara) Order 2019* (S.I. No. 316 of 2019), in operation as per art. 2.

E86 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Gorey) Order 2019* (S.I. No. 315 of 2019), in operation as per art. 2.

E87 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Fermoy) Order 2019* (S.I. No. 314 of 2019), in operation as per art. 2.

E88 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Dundalk South) Order 2019* (S.I. No. 313 of 2019), in operation as per art. 2.

E89 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Dundalk - Carlingford) Order 2019* (S.I. No. 312 of 2019), in operation as per art. 2.

E90 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Athlone) Order 2019* (S.I. No. 311 of 2019), in operation as per art. 2.

E91 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Athenry - Oranmore) Order 2019* (S.I. No. 310 of 2019), in operation as per art. 2.

E92 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Arklow) Order 2019* (S.I. No. 309 of 2019), in operation as per art. 2.

E93 Power pursuant to subs. (5) exercised (2.07.2019 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area Of Ardee) Order 2019* (S.I. No. 308 of 2019), in operation as per art. 2.

E94 Power pursuant to subs. (5) exercised (28.03.2019 to 28.03.2022) by *Rent Pressure Zone (Local Electoral Area Of Navan) Order 2019* (S.I. No. 122 of 2019), in operation as per art. 2.

E95 Power pursuant to subs. (5) exercised (28.03.2019 to 28.03.2022) by *Rent Pressure Zone (Local Electoral Area Of Limerick City East) Order 2019* (S.I. No. 121 of 2019), in operation as per art. 2.

E96 Power pursuant to subs. (5) exercised (20.09.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Drogheda) Order 2017* (S.I. No. 402 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E97 Power pursuant to subs. (5) exercised (20.09.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Greystones) Order 2017* (S.I. No. 401 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E98 Power pursuant to subs. (5) exercised (30.03.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Cobh) Order 2017* (S.I. No. 113 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E99 Power pursuant to subs. (5) exercised (30.03.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Maynooth) Order 2017* (S.I. No. 109 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E100 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Kildare-Newbridge) Order 2017* (S.I. No. 29 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E101 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Laytown-Bettystown) Order 2017* (S.I. No. 28 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E102 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Ashbourne) Order 2017* (S.I. No. 27 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E103 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Ratoath) Order 2017* (S.I. No. 26 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E104 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Bray) Order 2017* (S.I. No. 25 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E105 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Wicklow) Order 2017* (S.I. No. 24 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E106 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Galway City East) Order 2017* (S.I. No. 23 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E107 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Celbridge-Leixlip) Order 2017* (S.I. No. 22 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E108 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Galway City Central) Order 2017* (S.I. No. 21 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E109 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Naas) Order 2017* (S.I. No. 20 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E110 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Galway City West) Order 2017* (S.I. No. 19 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E111 Power pursuant to subs. (5) exercised (27.01.2017 to 31.12.2021) by *Rent Pressure Zone (Local Electoral Area of Ballincollig-Carrigaline) Order 2017* (S.I. No. 18 of 2017), in operation as per art. 2; as affected (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019.

E112 Previous affecting provision: subs. (6A) inserted (18.10.2024) by *Planning and Development Act 2024* (34/2024), s. 634(c), commenced as per s. 1(4); section repealed (1.03.2026) as per F-note above.

E113 Previous affecting provision: application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021; section repealed (1.03.2026) as per F-note above.

E114 Previous affecting provision: subs. (4)(b) substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(1)(a), S.I. No. 236 of 2019; section repealed (1.03.2026) as per F-note above.

E115 Previous affecting provision: application of subs. (5), and orders made under subs. (5), restricted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(2), S.I. No. 236 of 2019; section repealed (1.03.2026) as per F-note above.

E116 Previous affecting provision: subs. (10) amended (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 8(1)(b), S.I. No. 236 of 2019; section repealed (1.03.2026) as per F-note above.

F114**[**Areas deemed to be rent pressure zones

24B.—F115**[...]]**

Annotations

Amendments:

F114 Inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 36, commenced as per s. 1(3)(b).

F115 Repealed (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 2(a), S.I. No. 67 of 2026.

Editorial Notes:

E117 Previous affecting provision: subss. (1), (2) amended, (3) inserted (20.06.2025) by*Residential Tenancies (Amendment) Act 2025* (5/2025), s. 3(a)-(c), commenced as per s. 5(2); section repealed (1.03.2026) as per F-note above.

E118 Previous affecting provision: section designated as subs. (1) and amended, subs. (2) inserted (18.10.2024) by *Planning and Development Act 2024* (34/2024), s. 634(d)(i)-(iii), commenced as per s. 1(4); section repealed (1.03.2026) as per F-note above.

E119 Previous affecting provision: subs. (1) amended (18.10.2024) by *Planning and Development Act 2024* (34/2024), s. 634(d)(ii), commenced as per s. 1(4); substituted (20.06.2025) as per F-note above.

E120 Previous affecting provision: application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021; section repealed (1.03.2026) as per F-note above.

E121 Previous affecting provision: subs. (1) substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 10, commenced on enactment; substituted as per F-note above.

E122 Previous affecting provision: section amended (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 9, S.I. No. 236 of 2019; section repealed (1.03.2026) as per F-note above.

F116[Relevant area within meaning of Local Government Act 2019 deemed to be rent pressure zone

24BA.—F117[...]]

Annotations

Amendments:

F116 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 10, S.I. No. 236 of 2019.

F117 Repealed (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 2(a), S.I. No. 67 of 2026.

Editorial Notes:

E123 Previous affecting provision: application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021; section repealed (1.03.2026) as per F-note above.

F118[Application of *section 20* (frequency with which rent reviews may occur) to rent pressure zones

24C.—F119[...]]

Annotations

Amendments:

F118 Substituted (18.10.2024) by *Planning and Development Act 2024* (34/2024), s. 634(e), commenced as per s. 1(4).

F119 Repealed (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 2(a), S.I. No. 67 of 2026.

Editorial Notes:

E124 Previous affecting provision: application of Part restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(1), S.I. 424 of 2021; section repealed (1.03.2026) as per F-note above.

E125 Previous affecting provision: section inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 36, commenced as per s. 1(3)(b); substituted (18.10.2024) as per F-note above.

PART 4

SECURITY OF TENURE

Annotations

Modifications (not altering text):

C27 Application of Part modified as respects existing tenancies (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(2)-(4), commenced as per subs. (5).

Provision for tenancies of unlimited duration

5. ...

(2) Subject to *subsections (3)* and *(4)*, Part 4 of the Principal Act shall have effect in relation to tenancies of dwellings created, or that came into being, before the commencement of this section as if this section and *section 6* had not been enacted.

(3) (*a*) A landlord under a tenancy of a dwelling—

(i) created, or that came into being, under the Principal Act before the commencement of this section, and

(ii) in existence on such commencement,

may, by notice, in writing and in such form as shall be specified by the Board, inform the tenant under the tenancy that the landlord consents to the tenancy continuing in existence for a period of unlimited duration and, upon receipt by the tenant of such notice, that tenancy shall, subject to Chapter 3, continue in existence for a period of unlimited duration from the date of the notice, and accordingly Part 4 of the Principal Act as amended by *paragraphs (b)* and *(c)* of *subsection (1)* and *section 6* shall have effect in relation to that tenancy.

(*b*) A form specified in accordance with *paragraph (a)* shall include an explanation of the effect of the giving of a consent under that paragraph in relation to a tenancy of a dwelling.

(4) Where a Part 4 tenancy or further Part 4 tenancy of a dwelling—

(*a*) was created, or came into being, before the commencement of this section, and

(*b*) expires on or after such commencement,

then, upon its so expiring and unless a valid notice of termination in respect of the tenancy was served under paragraph (a) or (b) of section 34 or section 36 of the Principal Act before its so expiring, a new tenancy of that dwelling shall stand created and that new tenancy shall, subject to Chapter 3, continue in existence for a period of unlimited duration.

(5) This section shall come into operation on the day that falls 6 months after the date of the passing of this Act.

C28 Application of Part restricted (24.10.2020) by *Residential Tenancies Act 2020* (17/2020), ss. 3(3), 4(2), commenced on enactment.

Notices of termination under Act of 2004

3. (1) Where a notice of termination served before or during an emergency period specifies a termination date that falls during or after the emergency period, the termination date shall be deemed to be the revised termination date.

(2) *Subsection (1)* shall not apply to a notice of termination served by a landlord that cites as a reason for the termination concerned failure by the tenant to comply with one or more than one of his or her obligations under *paragraph (h)*, *(i)* or *(m)* of *section 16* or behaviour of the tenant that falls within subparagraph (2)(a)(ii) of section 67 of the Act of 2004.

(3) A person shall not, by virtue of the operation of this section, acquire any rights under Part 4 of the Act of 2004.

...

Entitlement to remain in occupation of dwelling during emergency period

4. (1) A tenant—

(*a*) upon whom a notice of termination was served in accordance with the Act of 2004 before the commencement of the emergency period, and

(*b*) who has remained in occupation of the dwelling to which the notice relates from the expiration of the required period of notice (whether or not with the consent of the landlord concerned) until the date of the commencement of the emergency period,

shall be entitled to remain in occupation of the dwelling until the date that is 10 days after the expiration of the emergency period subject to terms and conditions that shall be the same as the terms and conditions that applied in respect of the tenancy of the dwelling concerned immediately before the service of that notice.

(2) A person shall not, by virtue of the operation of this section, acquire any rights under Part 4 of the Act of 2004.

CHAPTER 1

Preliminary

Non-application of Part.

25.—(1) This Part does not apply to a tenancy of a dwelling where the conditions specified in *subsection (2)* are satisfied if the landlord of the dwelling opts, in accordance with *subsection (3)*, for this Part not to apply to it.

(2) Those conditions are—

(*a*) the dwelling concerned is one of 2 dwellings within a building,

(*b*) that building, as originally constructed, comprised a single dwelling, and

(*c*) the landlord resides in the other dwelling.

(3) A landlord's opting as mentioned in *subsection (1)* shall be signified in writing in a notice served by him or her on the tenant before the commencement of the tenancy.

(4) This Part does not apply to a tenancy of a dwelling—

(*a*) if the landlord of the dwelling is entitled, in relation to expenditure incurred on the construction of, conversion into, or, as the case may be, refurbishment of, the dwelling, to a deduction of the kind referred to in section 380B(2), 380C(4) or 380D(2) (inserted by the Finance Act 1999) of the Taxes Consolidation Act 1997, or

(*b*) if the entitlement of the tenant to occupy the dwelling is connected with his or her continuance in any office, appointment or employment.

F120**[**(5) This Part does not apply to a tenancy of the dwelling referred to in *section 3(4)* where—

(*a*) the dwelling concerned is designated by the approved housing body for the use by it as a transitional dwelling, and

(*b*) the consent of the public authority which—

(i) is, in the case of a dwelling referred to in *paragraph (a)* of *section 3(4)*, a party to the lease or contract referred to in *section 3(2A)*, or

(ii) provides, in the case of a dwelling referred to in *paragraph (b)* of *section 3(4)*, the assistance referred to in that paragraph,

has, in respect of the designation referred to in *paragraph (a)*, been obtained by the approved housing body before it makes the designation.

(6) In *subsection (5)* "transitional dwelling" means a dwelling that an approved housing body leases for periods not exceeding 18 months for the purposes of the approved housing body concerned.

(7) Where, before the coming into operation of section 3 of the Residential Tenancies (Amendment) Act 2015, an approved housing body had not, for the purposes of *subsection (5)*, made a designation in respect of a dwelling referred to in *paragraph (a)* or *(b)* of *section 3(4)* that it leases to a household referred to in *subsection (2A)* or *(4)(b)* of *section 3* for a period not exceeding 18 months, the approved housing body concerned—

(*a*) may designate that dwelling to be a transitional dwelling for the purposes of *subsection (5)* at any time during the period of 12 months commencing on the day on which section 3 of the Residential Tenancies (Amendment) Act 2015 comes into operation, and

(*b*) shall notify the Minister of that designation not later than 3 months after it is made.**]**

Annotations

Amendments:

F120 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 9, S.I. No. 151 of 2016.

Modifications (not altering text):

C29 Term "approved housing body" construed (1.01.2022) by *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), s. 68, S.I. No. 728 of 2021.

Construction of certain references in other Acts or instruments made under Acts

68. References in—

(*a*) any Act of the Oireachtas, other than this Act, passed before the coming into operation of this section,

...

to—

(i) an approved housing body,

(ii) a housing body approved under section 6 of the Act of 1992,

(iii) an approved body or a body approved, under, or for the purposes of, section 6 of the Act of 1992, or

(iv) to a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992,

as the case may be (howsoever described), shall, on and after the coming into operation of this section, unless the contrary intention appears, be construed as references to an approved housing body (within the meaning of this Act), save where other provision is made as respects the construction of the references in paragraphs (i) to (iv), as the case may be, by any Act of the Oireachtas (other than this Act) passed before that coming into operation.

Greater security of tenure not affected.

26.—Nothing in this Part operates to derogate from any rights the tenant enjoys for the time being (by reason of the tenancy concerned) that are more beneficial for the tenant than those created by this Part.

CHAPTER 2

Statement of essential protection enjoyed by tenants

Periods of occupancy before relevant date to be disregarded.

27.—In this Part "continuous period of 6 months" means a continuous period of 6 months that commences on or after the relevant date F121**[**or, in the case of a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), shall be construed in accordance with *section 3B(a)* (inserted by section 4 of the Residential Tenancies (Amendment) Act 2015)**]**.

Annotations

Amendments:

F121 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 4(4), S.I. No. 151 of 2016.

Statutory protection — "*Part 4* tenancy" — after 6 months occupation.

28.—F122**[**(1) Where a person has been in occupation of a dwelling under a tenancy for a continuous period of 6 months and the condition specified in *subsection (3)* is satisfied, that tenancy shall, subject to *Chapter 3*, continue in existence for a period of unlimited duration from the date on which the first-mentioned period expires.**]**

(2) F123**[**...**]**

(3) The condition mentioned in *subsection (1)* is that no notice of termination (giving the required period of notice) has been served in respect of the tenancy before the expiry of the period of 6 months mentioned in that subsection.

(4) Despite the fact that such a notice of termination has been so served, that condition shall be regarded as satisfied if the notice is subsequently withdrawn.

Annotations

Amendments:

F122 Substituted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(a), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

F123 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(a), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Editorial Notes:

E126 Previous affecting provision: subs. (2) amended (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 37(1), in operation as per s. 1(3)(b) and subs. (3); subs. (2) deleted as per F-note above.

"*Part 4* tenancy"— meaning of that expression.

F124**[29.** For the purposes of this Act, each of the following is a *Part 4* tenancy:

(*a*) a tenancy that continues in existence by virtue of *subsection (1)* (inserted by subsection (1) of section 5 of the Residential Tenancies (Amendment) Act 2021) of *section 28*;

(*b*) a tenancy that continues in existence in accordance with subsection (3) of section 5 of the Residential Tenancies (Amendment) Act 2021;

(*c*) a new tenancy referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021.**]**

Annotations

Amendments:

F124 Substituted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 6(1)(b), commenced as per subs. (2) and s. 5(5), subject to transitional provisions for existing tenancies in s. 5(2)-(4).

Terms of *Part 4* tenancy.

30.—F125**[**(1) Subject to *subsections (2)* and *(3)*, the terms of a *Part 4* tenancy shall—

(*a*) in the case of a tenancy that continues in existence by virtue of *subsection (1)* (inserted by subsection (1) of section 5 of the Residential Tenancies (Amendment) Act 2021) of *section 28*, be those of the tenancy of which it is a continuation,

(*b*) in the case of a tenancy that continues in existence in accordance with subsection (3) of section 5 of the Residential Tenancies (Amendment) Act 2021, be those of the tenancy of which it is a continuation, and

(*c*) in the case of a new tenancy of a dwelling referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021, be those of the tenancy of that dwelling immediately preceding the new tenancy.**]**

(2) At any time during the period of a *Part 4* tenancy, the parties may, by agreement, vary its terms.

(3) Neither—

(*a*) any term of the tenancy of which the *Part 4* tenancy is a continuation, nor

(*b*) any term purported to be provided for by a variation under *subsection (2)*,

shall be a term of a *Part 4* tenancy if the term is inconsistent with this or any other Part of this Act.

Annotations

Amendments:

F125 Substituted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 6(1)(c), commenced as per subs. (2) and s. 5(5), subject to transitional provisions for existing tenancies in s. 5(2)-(4).

Sections 28 and *30*: special cases.

31.—(1) The reference in *section 28(1)* to a continuous period of occupation under a tenancy includes a reference to a continuous period of occupation under a series of 2 or more tenancies.

(2) Where the continuous occupation referred to in *section 28(1)* has been under a series of 2 or more tenancies—

(*a*) in *section 28(2)*, "the tenancy mentioned in *subsection (1)*" means the last of those tenancies,

(*b*) in *section 28(2)(a)(i)*, "the commencement of the tenancy" means the commencement of the first of those tenancies, and

(*c*) in *section 28(3)*, "the tenancy" means the last of those tenancies,

and *section 30* shall be construed accordingly.

Further special case (sub-letting of *Part 4* tenancy).

32.—(1) F126**[**Schedule 1**]** to this Act has effect for the purpose of affording protection in relation to a sub-tenancy created out of a *Part 4* tenancy or a further *Part 4* tenancy.

(2) The creation of a sub-tenancy in respect of part only of the dwelling, the subject of a *Part 4* tenancy or a further *Part 4* tenancy, is prohibited.

(3) Any such sub-tenancy purported to be created is void.

Annotations

Amendments:

F126 Substituted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 11, S.I. No. 236 of 2019.

CHAPTER 3

Termination of Part 4 tenancy

Restriction on termination by landlord.

33.—A *Part 4* tenancy may not be terminated by the landlord save in accordance with *section 34*.

Additional requirements relating to termination by landlord

F127**[33A.**—Without prejudice to *section 33*, in addition to the grounds for termination by a landlord under *section 34*, in accordance with *section 57(b)*, *Part 5* shall apply in relation to the termination of a *Part 4* tenancy by a landlord.**]**

Annotations

Amendments:

F127 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2016* (42/2016), s. 27, S.I. No. 119 of 2016.

Editorial Notes:

E127 The section heading is taken from the amending section in the absence of one included in the amendment.

Grounds for termination by landlord.

34.—F128**[**Subject to *sections 35A* and *35B*, a *Part 4* tenancy**]** may be terminated by the landlord—

(*a*) on one or more of the grounds specified in the Table to this section if—

(i) a notice of termination giving the required period of notice is served by the landlord in respect of the tenancy, F129**[**...**]**

F130**[**(ii) the notice of termination cites as the reason for the termination the ground or grounds concerned and contains or is accompanied—

(I) in the case of F128**[***paragraph 2***]** of that Table, by the statement referred to in that F128**[**paragraph,**]**

(II) in the case of *paragraph 3* or *4* of that Table, by the statutory declaration referred to in that F128**[**paragraph, and**]**

F131**[**(III) in the case of *paragraph 5* or *6* of that Table, by the statement and the statutory declaration referred to in that paragraph,**]**

and**]**

F132**[**(iii) in the case of a notice of termination that cites as the reason for the termination the ground specified in *paragraph 5*, the notice of termination contains or is accompanied by a certificate in writing of a F133**[**registered construction professional (within the meaning of the Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022)**]** stating that—

(I) the proposed refurbishment or renovation works would pose a risk to the health or safety of the occupants of the dwelling concerned and should not proceed while the dwelling is occupied, and

(II) such a risk is likely to exist for such period as is specified in the certificate which shall not be less than 3 weeks,**]**

(*b*) F134**[**...**]**

TABLE

Grounds for termination

1. The tenant has failed to comply with any of his or her obligations F135**[**(other than the obligation to which *paragraph (a)* of *section 16* applies)**]** in relation to the tenancy (whether arising under this Act or otherwise) and, unless the failure provides an excepted basis for termination—

(*a*) the tenant has been notified F136**[**in writing**]** of the failure by the landlord and that notification states that the landlord is entitled to terminate the tenancy if the failure is not remedied within a reasonable time specified in that notification, and

(*b*) the tenant does not remedy the failure within that specified time.

F137**[**1A. The tenant has failed to comply with *paragraph (a)* of *section 16* in relation to the tenancy concerned and the condition specified in *subsection (3)* (inserted by paragraph (b) of section 12 of the Residential Tenancies and Valuation Act 2020) of *section 67* has been satisfied.**]**

2. The dwelling is no longer suitable to the accommodation needs of the tenant and of any persons residing with him or her having regard to the number of bed spaces contained in the dwelling and the size and composition of the occupying household F136**[**and the notice of termination is accompanied by a statement referred to in *section 35***]**.

3. The landlord intends, within F138**[**9 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 F136**[**and the notice of termination is accompanied by a statutory declaration referred to in *section 35***]**.

4. 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 (the "notice") contains or is accompanied F139**[**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, F140**[**...**]**

(*b*) that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if F141**[**...**]** the following conditions are satisfied—

(i) the dwelling is vacated by the person referred to in *subparagraph (a)* within the period of F138**[**12 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*, F142**[***1A,***]** *2*, *3* or *6* F143**[**of this Table, and**]**

F144**[**(*c*) where the notice of termination is served by the landlord in respect of a relevant *Part 4* tenancy (within the meaning of *section 35B*), specifying

whether the termination date specified in the notice of termination falls before, on or after the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy, and that on the date that the notice of termination is served—

(i) the landlord is not a company, and

(ii) the landlord is a landlord under not more than 3 tenancies of dwellings.**]**

5. The landlord intends to substantially refurbish or renovate the dwelling or the property containing the dwelling in a way which requires the dwelling to be vacated for that purpose (and, where planning permission is required for the carrying out of that refurbishment or renovation, that permission has been obtained) and the notice of termination (the "notice") contains or is accompanied, in writing, F145**[**by a statutory declaration referred to in *section 35(10A*) and a statement**]**—

(*a*) specifying the nature of the F139**[**intended works, **]**

F136**[**(*aa*) that, in a case where planning permission has been obtained, a copy of the planning permission is attached to the notice or statement,

(*ab*) that planning permission is not required and he or she has complied with the requirements of *section 35(9)(b)*, and**]**

(*b*) that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if F141**[**...**]** the following conditions are satisfied—

F138**[**(i) the dwelling becomes available for reletting by reason of the completion of the works of refurbishment or renovation, 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*, F142**[***1A,***]** *2*, *3* or *6* of this Table.

6. The landlord intends to change the use of the dwelling or the property containing the dwelling to some other use (and, where planning permission is required for that change of use, that permission has been obtained) and the notice of termination (the "notice") contains or is accompanied, in writing, F145**[**by a statutory declaration referred to in *section 35(10A)* and a statement**]**—

(*a*) specifying the nature of the F139**[**intended use,**]**

F136**[**(*aa*) that, in a case where planning permission has been obtained, a copy of the planning permission is attached to the notice or statement,

(*ab*) as to whether any works are to be carried out in respect of the change of use and where such works are required to be carried out, specifying—

(i) details of those works,

(ii) the name of the contractor, if any, employed to carry out such works, and

(iii) the dates on which the intended works are to be carried out and the proposed duration of the period in which those works are to be carried out,

and**]**

(*b*) that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if F141**[**...**]** the following conditions are satisfied—

(i) the dwelling becomes available for reletting within the period of F138**[**12 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*, F142**[***1A,***]** *2* or *3* of this Table.

Annotations

Amendments:

F128 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 12(1)(a), (b)(i)(I)(A), (B), (II), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F129 Deleted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 12(1)(a), S.I. No. 236 of 2019.

F130 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 12(b), S.I. No. 236 of 2019.

F131 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 12(1)(b)(i)(III), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F132 Inserted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 12(c), S.I. No. 236 of 2019.

F133 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 12(1)(b)(ii), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F134 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

F135 Inserted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 9(a), commenced on enactment.

F136 Inserted (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 28(a)-(c), (e)(ii), (iii), (f)(ii), S.I. No. 216 of 2016.

F137 Inserted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 9(b), commenced on enactment.

F138 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 12(2)(a)-(d), S.I. No. 236 of 2019.

F139 Substituted (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 28(d), (e)(i), (f)(i), S.I. No. 216 of 2016.

F140 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 12(1)(c)(i)(I), S.I. No. 67 of 2026, subject to transitional provision in subs. 2).

F141 Deleted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 92(a), commenced as per s. 99(1).

F142 Inserted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 92(b), commenced as per s. 99(1).

F143 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 12(1)(c)(i)(II), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F144 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 12(1)(c)(i)(III), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F145 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 12(1)(c)(ii), (iii), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

Modifications (not altering text):

C30 Application of Table, paras. 3, 4, 5 and 6 restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 32(3), S.I. No 424 of 2021.

Application of Act of 2004

32. ...

(3) The grounds for termination of a residential tenancy in paragraphs 3, 4, 5 and 6 of the Table to section 34 of the Act of 2004 shall not apply where the tenancy is a cost rental tenancy.

...

Editorial Notes:

E128 Previous affecting provision: section amended (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 38, S.I. No. 7 of 2017; substituted (1.03.2026) as per F-note above.

E129 Previous affecting provision: para. (b) amended (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 37(2) and sch. part 1 ref. no. 1, in operation as per s. 1(3)(b) and s. 37(3); paragraph deleted as per F-note above.

E130 Previous affecting provision: Table, para. 5(b)(i) amended (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 28(e)(ii), S.I. No. 216 of 2016; subpara. (i) substituted as per F-note above.

Table to *section 34*: interpretation and supplemental.

35.—(1) In this section the "Table" means the Table to *section 34*.

(2) In *paragraph 1* of the Table "remedy the failure" means—

(*a*) in the case of a failure that does not result in financial loss or damage to the landlord or his or her property, to desist from the conduct that constitutes the failure or, if the failure consists of an omission to comply with an obligation, comply with that obligation, and

(*b*) in the case of a failure that does result in financial loss or damage to the landlord or his or her property—

(i) to pay adequate compensation to the landlord F146**[**...**]** or repair the damage fully, and

(ii) unless the failure is not of a continuing nature, to desist from the conduct that constitutes the failure or comply with the obligation concerned, as the case may be.

(3) In *paragraph 1* of the Table the reference to a failure that provides an excepted basis for termination is a reference to a failure to comply with *section 16(h)* where the behaviour in question falls within *paragraph (a)* or *(b)* of the definition of "behave in a way that is anti-social" in *section 17(1)*.

F147**[**(4) In *paragraph 4* of the Table the reference to a member of the landlord's family is a reference to—

(*a*) subject to *paragraph (b)*, 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 2010 to 2015, or

(*b*) where the notice of termination is served in respect of a relevant *Part 4* tenancy (within the meaning of *section 35B*) and the termination date specified in the notice of termination falls before the expiry of a tenancy of minimum duration under the relevant Part 4 tenancy, any spouse, civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, child, stepchild, foster child, parent, step parent, parent-in-law of the landlord or a person adopted by the landlord under the Adoption Acts 2010 to 2015.**]**

(5) F148**[**...**]**

(6) If an offer such as is referred to in F149**[***paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table,**]** is accepted (within such reasonable

period F150**[**not exceeding 7 days**]** as shall be specified for that purpose in the offer) by the former tenant concerned (the "accepter")—

(*a*) the resulting agreement is enforceable by the accepter (as well as by the offeror), and

(*b*) occupation by the accepter under the tenancy created in favour of him or her on foot of that agreement shall, together with his or her occupation under the former tenancy, be regarded, for the purposes of this Act, as continuous occupation by the accepter under the one tenancy.

F150**[**(6A) If an offer such as is referred to in *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table, is not accepted (within such reasonable period not exceeding 7 days as shall be specified for that purpose in the offer) by the former tenant concerned, there is no tenancy agreement and the former tenant is not entitled to occupy the dwelling.**]**

F151**[**(7) The statement to accompany a notice of termination in respect of a termination referred to in *paragraph 2* of the Table shall specify—

(*a*) the bed spaces in the dwelling, and

(*b*) the grounds on which the dwelling is no longer suitable having regard to the bed spaces referred to in *paragraph (a)* and the size and composition of the occupying household.

F152**[**(8) The statutory declaration that is to accompany a notice of termination in respect of a termination referred to in *paragraph 3* of the Table shall include—

(*a*) a declaration that the landlord intends to enter into an enforceable agreement to transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling, F153**[**...**]**

F154**[**(*aa*) a declaration that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if the following conditions are satisfied:

(i) F148**[**...**]**

(ii) the landlord does not enter into an enforceable agreement of the type referred to in paragraph 3 of the Table within the period specified in that paragraph commencing—

(I) on the expiration of the period of notice required to be given under subparagraph (i) of paragraph (a) of section 34, or

(II) in circumstances where a dispute in relation to the validity of the notice is referred to the Board under Part 6 for resolution, on the final determination of that dispute;

and

(iii) the tenancy to which the notice relates has not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in *paragraph 1*, F150**[***1A*,**]** 2 or 6 of the Table,**]**

(*b*) where *section 35A(3)(a)* applies, a declaration that *section 35A(2)* does not apply to the said notice of termination as the price to be obtained by selling at market value the dwelling that is the subject of an existing tenancy to which *Part 4* applies 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 that subsection would, having regard to all the circumstances of that case be unduly onerous on, or would cause undue hardship on, F155**[**that landlord, and**]]**

F156**[**(*c*) where the notice of termination is served by the landlord in respect of a relevant *Part 4* tenancy (within the meaning of *section 35B*), a declaration that—

(i) on the date that the notice of termination is served, the landlord—

(I) is not a company, and

(II) is a landlord under not more than 3 tenancies of dwellings,

(ii) where *section 35B(5)* does not apply, that the circumstances specified in one or more of *paragraphs (a)* to *(c)* of *section 35B(4)* apply and that the application of *section 35B(3)(a)* would, having regard to all the circumstances of the case, cause undue financial or other hardship on the landlord, and

(iii) where *section 35B(5)* applies, that the termination date specified in the notice of termination falls on or after the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy.**]**

(9) A notice of termination in respect of a termination made on the ground specified in *paragraph 5* of the Table, or the statement referred to in that paragraph shall—

(*a*) for the purposes of the statement referred to in *subparagraph (aa)* of *paragraph 5* of the Table, be accompanied by a copy of the planning permission required for the carrying out of the refurbishment or renovation of the dwelling concerned, and

(*b*) specify, where planning permission is not required—

(i) the name of the contractor, if any, employed to carry out the intended works, and

(ii) the dates on which the intended works are to be carried out and the proposed duration of the period in which those works are to be carried out.

(10) A notice of termination in respect of a termination made on the ground specified in *paragraph 6* of the Table, or the statement referred to in that paragraph shall, for the purposes of the statement referred to in *subparagraph (aa)* of *paragraph 6* of the Table, be accompanied by a copy of the planning permission required for the carrying out of the change of use of the dwelling concerned.**]**

F156**[**(10A) Where a notice of termination is served by the landlord in respect of a termination of a relevant *Part 4* tenancy (within the meaning of *section 35B*) on the ground specified in *paragraph 5* or *6* of the Table, the statutory declaration that is to accompany the notice shall specify that—

(*a*) on the date that the notice of termination is served—

(i) the landlord is not a company, and

(ii) the landlord is a landlord under not more than 3 tenancies of dwellings, and

(*b*) the termination date specified in the notice of termination falls on or after the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy.**]**

(11) F157**[**...**]**

F158**[**(12) Upon receipt of a copy of a notice of termination under F159**[***section 62(1A)***]**, for the purpose of facilitating the making of an offer referred to in *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table, the Board shall—

(*a*) invite the tenant concerned, to confirm or provide, as appropriate, his or her contact details in writing to the Board, and

(*b*) request the consent of the tenant to the provision of his or her contact details by the Board to the landlord upon request.

(13) Where a landlord is required to make an offer referred to in *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table, but cannot contact the tenant concerned despite having made reasonable inquiry to ascertain the

tenant's current contact details, he or she shall, for the purpose of making that offer, make a request in writing to the Board seeking the contact details of the tenant.

(14) Where a landlord makes a request under *subsection (13)*, the Board shall—

(*a*) where the tenant concerned has provided his or her contact details and consent under *subsection (12)* or pursuant to a notice under *paragraph (b)*, provide the contact details of the tenant to the landlord as soon as practicable on or after the date of the request, or

(*b*) where the tenant concerned has not provided his or her contact details or consent under *subsection (12)*, as soon as practicable on or after the date of the request, notify the tenant that—

(i) a request under *subsection (13)* has been received, and

(ii) unless the tenant provides his or her contact details and consent under *subsection (12)* to the Board within a period of 7 days after the date of the notice, the landlord shall not be required to make an offer under *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table.

(15) Where the contact details of a tenant cannot be ascertained by reasonable inquiry by a landlord or by the Board under *subsection (12)* or *(14)*, the landlord shall not be required to make an offer under *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table.**]**

Annotations

Amendments:

F146 Deleted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 10, commenced on enactment.

F147 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 13(1)(a), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F148 Deleted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 93(1)(a), (d)(i), commenced as per s. 99(1), subject to transitional provision in subs. (2).

F149 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 13(b), S.I. No. 236 of 2019.

F150 Inserted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 93(1)(b), (c), (d)(ii), commenced as per s. 99(1), subject to transitional provision in subs. (2).

F151 Inserted (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 29, S.I. No. 216 of 2016.

F152 Substituted (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 39, S.I. No. 7 of 2017.

F153 Deleted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 13(c)(i), S.I. No. 236 of 2019.

F154 Inserted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 13(a)(ii), S.I. No. 236 of 2019.

F155 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 13(1)(b)(i), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F156 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 13(1)(b)(ii), (c), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F157 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 13(1)(d), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F158 Inserted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 93(1)(f), commenced as per s. 99(1), subject to transitional provision in subs. (2).

F159 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 13(1)(e), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

Editorial Notes:

E131 Previous affecting provision: subs. (11) amended (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 93(1)(e), commenced as per s. 99(1), subject to transitional provision in subs. (2); subsection deleted (1.03.2026) as per F-note above.

E132 Previous affecting provision: subs. (5) amended and subs. 11 inserted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 13(a)(i), (ii), (c)(ii), (d), S.I. No. 236 of 2019; subs. (5) deleted and subs. (11) substituted as per F-note above.

E133 Previous affecting provision: subs. (4) amended (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 40(a), S.I. No. 648 of 2010; subsection substituted (1.03.2026) as per F-note above.

Restriction on termination of certain tenancies by landlords

F160[**35A.**—(1) In this section—

"development" means a development consisting of land upon which there stands erected a building or buildings comprising a unit or units where, as respects such unit or units, it is intended that amenities, facilities and services are to be shared;

"relevant period of time" means any period of 6 months within the period—

(*a*) beginning with the offering for sale in the development concerned of the first dwelling the subject of a tenancy, and

(*b*) ending with the offering for sale in that development of the last dwelling the subject of a tenancy.

(2) Except where *subsection (3)* or *(4)* applies, a *Part 4* tenancy shall not be terminated by the landlord on the ground specified in *paragraph 3* of the Table to *section 34* where the landlord intends to enter into an enforceable agreement—

(*a*) in respect of dwellings situated within the development concerned,

(*b*) for the transfer to another, for full consideration, of the whole of his or her interest in 10 or more of those dwellings, each being the subject of such a tenancy, and

(*c*) to so transfer during a relevant period of time.

(3) (*a*) *Subsection (2)* does not apply where the landlord can show to the satisfaction of the Board—

(i) that the price to be obtained by selling at market value the dwelling that is the subject of an existing tenancy to which *Part 4* applies is more than 20 per cent below the market value that could be obtained for the dwelling with vacant possession, and

(ii) that the application of that subsection would, having regard to all the circumstances of that case—

(I) be unduly onerous on that landlord, or

(II) would cause undue hardship on that landlord.

(*b*) In *paragraph (a)(i)*, the reference to the market value of the dwelling is a reference to the estimated amount that would be paid by a willing buyer to a willing seller in an arm's-length transaction after proper marketing

(where appropriate) where both parties act knowledgeably, prudently and without compulsion.

(4) Where, before the commencement of section 40 of the Planning and Development (Housing) and Residential Tenancies Act 2016, a notice under *section 34* of this Act has been served on a tenant specifying as one of the grounds for termination the ground in *paragraph 3* of the Table to *section 34*, then that section shall continue to apply to that notice as if the said section 40 had not been enacted.

(5) Subject to *subsection (4)*, this section applies to all tenancies, including a tenancy created before the coming into operation of this section.**]**

Annotations

Amendments:

F160 Inserted (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 40, S.I. No. 7 of 2017.

F161 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 14, S.I. No. 67 of 2026.

Editorial Notes:

E134 The section heading is taken from the amending section in the absence of one included in the amendment.

F161**[**Further restriction on termination of certain tenancies by certain landlords

35B.—(1) In this section—

"civil partner" has the same meaning as it has in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"relevant *Part 4* tenancy" means a tenancy, referred to in *paragraph (a)* of *section 29*, that commences on or after 1 March 2026;

"tenancy of minimum duration" means a continuous period of 6 years under a relevant *Part 4* tenancy—

(*a*) from the commencement of the relevant *Part 4* tenancy, or

(*b*) from each sixth anniversary of that commencement.

(2) A relevant *Part 4* tenancy shall not be terminated by the landlord on the ground specified in *paragraph 3, 4, 5* or *6* of the Table to *section 34* where the landlord is a company or a landlord under more than 3 tenancies of dwellings.

(3) Subject to *subsections (4)* and *(5)*, a relevant *Part 4* tenancy shall not be terminated by a landlord to whom *subsection (2)* does not apply—

(*a*) on the ground specified in paragraph 3 of the Table to *section 34*, or

(*b*) on the ground specified in paragraph 5 or 6 of the Table to *section 34*.

(4) *Subsection (3)(a)* does not apply where the landlord can show to the satisfaction of the Board that—

(*a*) the landlord requires the consideration arising from the transfer referred to in *paragraph 3* of the Table to *section 34* to provide a principal private residence (within the meaning of section 473B of the Taxes Consolidation Act 1997) for the landlord or the spouse or civil partner of the landlord,

(*b*) the consideration arising from the transfer referred to in *paragraph 3* of the Table to *section 34* is required to enable the landlord, or the spouse or civil partner of the landlord, to discharge a debt, or make a payment to the Revenue Commissioners, of at least 15 per cent of the expected consideration arising from that transfer, which debt or payment, as the

case may be, is legally required to be discharged or paid within 9 months after the termination date specified in the notice of termination, or

(*c*) the landlord or the spouse or civil partner of the landlord—

(i) is a debtor who has appointed a personal insolvency practitioner under section 49 (3) of the Personal Insolvency Act 2012,

(ii) is adjudicated bankrupt or is subject to proceedings for a declaration of bankruptcy or becomes an arranging debtor, or

(iii) makes a composition or arrangement with creditors, and the application of *subsection (3)(a)* would, having regard to all the circumstances of the case, cause undue financial or other hardship on the landlord.

(5) A relevant *Part 4* tenancy may be terminated by a landlord to whom *subsection (2)* does not apply on the grounds specified in *paragraph 3, 5* or *6* of the Table to *section 34* if, in addition to any other requirement under *section 34* or *35*, a notice of termination (giving the required period of notice) is served by the landlord before the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy and that period of notice expires on or after the expiry of the tenancy of minimum duration.**]**

Annotations

Amendments:

F161 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 14, S.I. No. 67 of 2026.

Editorial Notes:

E135 The section heading is taken from the amending section in the absence of one included in the amendment.

Termination by tenant.

36.—(1) A tenant may terminate a *Part 4* tenancy by serving on the landlord in respect of the tenancy a notice of termination giving the required period of notice.

(2) This section is without prejudice to *Chapter 6*.

Deemed termination by tenant.

37.—(1) Subject to *subsection (3)*, a *Part 4* tenancy shall be deemed to have been terminated by the tenant on his or her vacating the dwelling if—

(*a*) before or on or about that vacating, he or she serves a notice of termination in respect of the tenancy that does not give the required period of notice, and

(*b*) before or on that vacating the rent has fallen into arrears.

(2) Subject to *subsection (3)*, a *Part 4* tenancy shall also be deemed to have been terminated by the tenant upon any rent owed by him or her being in arrears for a period of 28 days or more if—

(*a*) whether before or after the end of that period, the tenant has vacated the dwelling, and

(*b*) no notice of termination has been served by the tenant in respect of the tenancy.

(3) *Subsections (1)* and *(2)* do not apply if the *Part 4* tenancy has been sub-let or assigned.

(4) Nothing in the preceding subsections affects the liability of the tenant for rent for the period that would have elapsed had a notice of termination giving the required period of notice been served by him or her.

(5) This section is subject to *Chapter 6*.

Effect of assignment of *Part 4* tenancy.

38.—(1) If a *Part 4* tenancy is assigned by the tenant with the consent of the landlord then if the assignment is—

(*a*) to a person, other than a sub-tenant of the dwelling concerned, the assignment shall operate to convert the *Part 4* tenancy of the dwelling into a periodic tenancy of the dwelling and the protection provided by *section 28* for the assignor shall accordingly cease (but without prejudice to that section's fresh application in relation to the assignee should the circumstances mentioned in that section occur),

(*b*) to a sub-tenant of the dwelling concerned, the protection provided by *section 28* for the assignor shall cease (but without prejudice to the *Part 4* tenancy's continued subsistence as provided for in *subsection (2)*).

(2) If the assignment is to a sub-tenant of the dwelling concerned, the *Part 4* tenancy shall continue in being (but in favour of that person and not the assignor) for the period that it would have continued in being had the assignment not been made and subject to the provisions of this Chapter; accordingly—

(*a*) the assignee shall become the tenant of the landlord under the *Part 4* tenancy,

(*b*) the terms of the *Part 4* tenancy shall continue to be those under which the assignor held the tenancy immediately before the assignment unless the assignee and the landlord agree to a variation of them, and

(*c*) the assignee's sub-tenancy of the dwelling shall merge with the *Part 4* tenancy.

(3) *Subsection (2)(c)* does not affect the liabilities (if any) of the assignee to the assignor (or of the assignor to the assignee) that have arisen by virtue of the sub-tenancy concerned.

(4) The assignment of a *Part 4* tenancy with respect to only part of the dwelling, the subject of the tenancy, is prohibited.

(5) Any such assignment purported to be made is void.

Termination on tenant's death.

39.—(1) Subject to *subsections (2)* F162**[**, *(4)* and *(6)***]**, a *Part 4* tenancy shall terminate on the death of the tenant.

(2) Where the 2 conditions specified in *subsection (3)* are satisfied—

(*a*) *subsection (1)* does not apply, and

(*b*) the *Part 4* tenancy concerned, accordingly, continues in being, subject to the other provisions of this Chapter, for the period for which it would otherwise have continued in being had the tenant concerned not died.

(3) Those conditions are—

(*a*) the dwelling, at the time of the death of the tenant concerned, was occupied by—

(i) a spouse F163**[**or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010**]** of the tenant,

(ii) a person who was not a spouse of the tenant but who F164**[**was the tenant's cohabitant within the meaning of section 172 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and lived with the tenant**]** in the dwelling for a period of at least 6 months ending on the date of the tenant's death,

(iii) a child, stepchild or foster child of the tenant, or a person adopted by the tenant under the Adoption Acts 1952 to 1998, being in each case aged 18 years or more, or

(iv) a parent of the tenant,

and

(*b*) one or more than one of the foregoing persons elects in writing to become a tenant or tenants of the dwelling.

(4) This section is subject to *Chapter 6*; without limiting the generality of this subsection, *subsections (2)* and *(3)* are not to be read as derogating from the operation of *Chapter 6* in circumstances where a person referred to in *subsection (3)* is a multiple tenant (within the meaning of that Chapter) of the dwelling concerned.

(5) Irrespective of the number of instances of the application to the same dwelling of *subsection (2)* (by reason of a series of deaths of tenants), the *Part 4* tenancy concerned shall not continue in being any longer than it would otherwise have continued in being had the first of those deaths not occurred.

F165**[**(6) In respect of a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), a person to whom *subsection (3)(a)* applies shall not elect, under *subsection (3)(b)*, to become a tenant, or tenants, of such dwelling unless—

(*a*) in the case of a dwelling referred to in *section 3(4)(a)*, he or she is a member of a household referred to in *section 3(4)(a)*, or

(*b*) in the case of a dwelling referred to in *section 3(4)(b)*, he or she is a member of a household referred to in *section 3(4)(b)*.**]**

Annotations

Amendments:

F162 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 10(a), S.I. No. 151 of 2016.

F163 Inserted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 40(b), S.I. No. 648 of 2010.

F164 Substituted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 203, S.I. No. 648 of 2010.

F165 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 10(b), S.I. No. 151 of 2016.

F166**[**Referral of notice of termination to adjudicator under Act of 2004

39A.—(1) F167**[**...**]**

(2) F167**[**...**]**

(3) Where the tenant refers a matter in connection with the notice of termination to the Board for resolution under *section 76*, the adjudicator appointed under *section 97* to inquire into the dispute shall have regard to any advice referred to in *subsection (3A)* of *section 67* (inserted by section 12 of the Residential Tenancies and Valuation Act 2020) when making a decision or determination under *subsection (4)* of *section 97* in relation to the matter.

(4) The Tribunal shall, on the hearing of an appeal from a decision or determination of an adjudicator referred to in *subsection (3)*, have regard to any advice referred to in *subsection (3A)* of *section 67* when making a decision or determination under *section 108*.**]**

Annotations

Amendments:

F166 Inserted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 11, commenced on enactment.

F167 Repealed (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 2(b), S.I. No. 67 of 2026.

Editorial Notes:

E136 Previous affecting provision: subss. (1), (2) amended (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 94(a), (b), commenced as per s. 99(1); repealed (1.03.2026) as per F-note above.

E137 The section heading is taken from the amending section in the absence of one included in the amendment.

CHAPTER 4

Additional statutory right — further Part 4 tenancy

Interpretation (*Chapter 4*).

40.— F168**[...]**

Annotations

Amendments:

F168 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Editorial Notes:

E138 Previous affecting provision: subs. (1) amended (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 37(2) and sch. part 1 ref. no. 2, commenced as per s. 1(3)(b) and s. 37(3); section deleted as per F-note above.

E139 Previous affecting provision: subs. (2) amended (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 41(4) and sch. part 2 ref. no. 1, S.I. No. 7 of 2017; section deleted as per F-note above.

Further *Part 4* tenancy on expiry of 4 year period.

41.—F169**[...]**

Annotations

Amendments:

F169 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Editorial Notes:

E140 Previous affecting provisions: subss. (1), (3) and (4) amended (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 37(2) and sch. part 1 items 3-5, commenced as per s. 1(3)(b) and s. 37(3) and (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (16/2017), s. 41(4) and sch. part 2 ref. nos. 2, 3, S.I. No. 7 of 2017; section deleted as per F-note above.

Termination of additional rights.

42.—F170**[**...**]**

Annotations

Amendments:

F170 Repealed (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 41(1), S.I. No. 7 of 2017, subject to transitional provisions in subss. (2), (3).

Editorial Notes:

E141 Previous affecting provision: application of Part restricted (19.07.2021) by *Affordable Housing Act 2021* (25/2021), s. 34, S.I. No. 424 of 2021; section repealed as per F-note above.

CHAPTER 5

Successive further Part 4 tenancies may arise

Purposes of Chapter.

43.—F171**[**...**]**

Annotations

Amendments:

F171 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Editorial Notes:

E142 Previous affecting provision: section amended (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 37(2) and sch. part 1 ref. no. 6, commenced as per s. 1(3)(b) and s. 37(3); section deleted as per F-note above.

Construction of certain references.

44.—F172**[**...**]**

Annotations

Amendments:

F172 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Editorial Notes:

E143 Previous affecting provision: section amended (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 41(4) and sch. part 2 ref. no. 4, S.I. No. 7 of 2017; section deleted as per F-note above.

Further *Part 4* tenancy to arise on expiry of previous tenancy.

45.—F173**[...]**

Annotations

Amendments:

F173 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Editorial Notes:

E144 Previous affecting provisions: subss. (1), (4) amended (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 37(2) and sch. part 1 ref. nos. 7, 8, commenced as per subs. (1)(3)(b) and s. 37(3) and (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 41(4) and sch. part 2 ref. nos. 5, 6, S.I. No. 7 of 2017; section deleted as per F-note above.

Terms of a further *Part 4* tenancy.

46.—F174**[...]**

Annotations

Amendments:

F174 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Application of *Chapter 3* and *section 42* to every further *Part 4* tenancy.

47.—F175**[...]**

Annotations

Amendments:

F175 Deleted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 5(1)(c), commenced as per subs. (5), subject to transitional provisions for existing tenancies in subss. (2)-(4).

Editorial Notes:

E145 Previous affecting provisions: subss. (4), (6) deleted and subs. (5) and Table amended (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 41(4) and sch. part 2 ref. nos. 7-9, S.I. No. 7 of 2017 and (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 37(2) and sch. part 1 ref. nos. 9, 10, in operation as per s. 1(3)(b) and s. 37(3); section deleted as per F-note above.

CHAPTER 6

Rules governing operation of Part in cases of multiple occupants

Interpretation (*Chapter 6*).

48.—(1) In this Chapter "multiple tenants" means, in relation to a dwelling, 2 or more persons who are tenants of the dwelling (whether as joint tenants, tenants-in-common or under any other form of co-ownership) and "multiple tenant" means any one of them.

(2) References in this Chapter to a *Part 4* tenancy coming into existence and cognate references shall be construed as references to the circumstances in which the tenancy referred to in *section 28* is continued in being by virtue of that section.

(3) References in subsequent provisions of this Chapter to a *Part 4* tenancy include, unless the context does not admit of such construction, references to a further *Part 4* tenancy.

General principle in relation to dwellings occupied by more than one person.

49.—(1) Subject to this Chapter, the provisions of this Part apply regardless of the fact that the dwelling concerned is occupied at the particular time by either or both—

(*a*) multiple tenants,

(*b*) one or more persons who are also lawfully in occupation of the dwelling as licensees of the tenant or the multiple tenants, as the case may be.

(2) In particular, the fact that the continuous period of occupation, as respects a particular dwelling, by one or more of the multiple tenants is less than 6 months at a particular time does not prevent a *Part 4* tenancy coming into existence at that time in respect of the dwelling if—

(*a*) another of the multiple tenants has been in continuous occupation of the dwelling for 6 months, and

(*b*) the condition specified in *section 28(3)* is satisfied.

Entitlement of multiple occupant to benefit from *Part 4* tenancy.

50.—(1) *Subsection (2)* applies unless the multiple tenant concerned benefits, by virtue of the preceding Chapters of this Part, from the protection of the *Part 4* tenancy on its coming into existence.

(2) A multiple tenant who was in occupation of a dwelling immediately before the coming into existence of a *Part 4* tenancy in respect of it shall, on his or her having been in occupation of the dwelling for a continuous period of 6 months (and that tenancy still subsists), benefit from the protection of that tenancy; accordingly the rights, restrictions and obligations under this Part shall, on and from the expiry of that period of 6 months, apply in relation to that multiple tenant as they apply in relation to the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence.

(3) Any person who the landlord accepts as a tenant of a dwelling on, or subsequent to, a *Part 4* tenancy coming into existence in respect of it, shall, on his or her having been in occupation of the dwelling for a continuous period of 6 months (and that tenancy still subsists), benefit from the protection of that tenancy; accordingly, the rights, restrictions and obligations under this Part shall, on and from the expiry of that period of 6 months, apply in relation to that person as they

apply in relation to the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence.

(4) The reference in *subsection (3)* to a landlord's accepting a person as a tenant is a reference to his or her accepting a person as a tenant—

(*a*) whether as a replacement for any of the existing multiple tenants or as an additional tenant to them, and

(*b*) whether or not the person was immediately before that acceptance a licensee in occupation of the dwelling.

(5) For the purpose of reckoning the continuous period of occupation referred to in *subsections (2)* and *(3)*, any period of continuous occupation by the person concerned of the dwelling as a licensee (whether that period begins before, on or after the *Part 4* tenancy came into existence) may be counted with any continuous period of occupation by that person of the dwelling as a tenant that follows on immediately from it.

(6) For the purpose of, amongst other things, ensuring that the distinction that exists between licences and tenancies does not operate to frustrate the objectives of this Part in cases to which this Chapter applies, *subsections (7)* and *(8)* are enacted.

(7) A person who is lawfully in occupation of the dwelling concerned as a licensee of the tenant or the multiple tenants, as the case may be, during the subsistence of a *Part 4* tenancy F176**[**may, F177**[**subject to *section 3B(d)* and *subsection (7A)*], request**]** the landlord of the dwelling to allow him or her to become a tenant of the dwelling.

F178**[**(7A) *Subsection (7)* shall not apply where the person in lawful occupation of the dwelling concerned is a temporary protection beneficiary within the meaning of Part 2 of the Civil Law (Miscellaneous Provisions) Act 2022.**]**

(8) The landlord may not unreasonably refuse to accede to such a request; if the request is acceded to—

(*a*) an acknowledgement in writing by the landlord that the requester has become a tenant of the landlord suffices for the purpose,

(*b*) the requester shall hold the dwelling—

(i) on the same terms, or as appropriately modified, as those on which the existing tenant or multiple tenants hold the dwelling (other than terms comprising the rights, restrictions and obligations which arise by virtue of a *Part 4* tenancy being in existence in respect of the dwelling),

(ii) upon (if such be the case) *subsection (3)* being satisfied in respect of the requester, subject to the same rights, restrictions and obligations as those subject to which the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence holds the dwelling.

Annotations

Amendments:

F176 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 11, S.I. No. 151 of 2016.

F177 Substituted (26.07.2022) by *Civil Law (Miscellaneous Provisions) Act 2022* (19/2022), s. 24(a), S.I. No. 374 of 2022.

F178 Inserted (26.07.2022) by *Civil Law (Miscellaneous Provisions) Act 2022* (19/2022), s. 24(b), S.I. No. 374 of 2022.

Modifications (not altering text):

C31 Prospective affecting provision: application of section restricted by *Affordable Housing Act 2021* (25/2021), s. 39, not commenced as of date of revision.

Cost rental tenancies subsisting on termination of cost rental period

39. Where a tenancy that is a Part 4 tenancy or a further Part 4 tenancy within the meaning of the Act of 2004 is subsisting in relation to a cost rental dwelling on the date on which the cost rental designation in respect of the dwelling is revoked, the provisions of this Part shall continue to apply to that tenancy until the tenancy is validly terminated.

C32 Application of subs. (8) restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 32(8), S.I. No. 424 of 2021.

Application of Act of 2004

32. ...

(8) Sections 50(8) and 76(4) of the Act of 2004 shall not apply to a person who is lawfully in occupation of a cost rental dwelling as a licensee of the tenant during the subsistence of a tenancy protected under Part 4 of that Act and who requests the landlord of the dwelling to allow him or her to become a tenant of the dwelling.

Act of one of multiple tenants cannot prejudice the other's or others' rights.

51.—(1) Without prejudice to *subsection (3)*, no act done by any one or more of the multiple tenants of a dwelling that, apart from this subsection, would have either of the following results, namely—

(*a*) the termination of the *Part 4* tenancy, or

(*b*) rendering the *Part 4* tenancy liable to be terminated by the landlord,

shall have either such result if another of those tenants provides an explanation or information to the landlord from which a landlord acting reasonably in the circumstances would conclude that that act was done without that person's consent.

(2) For the purposes of *subsection (1)* a landlord acts reasonably in the circumstances concerned if—

(*a*) he or she requires the last-mentioned tenant in that subsection to provide such information or assistance as he or she may reasonably need to ascertain with whose consent (if any) and by whom the act concerned was done, and

(*b*) in case that requirement is not complied with, he or she concludes, on account of that non-compliance, that the act concerned was done with the tenant's consent.

(3) Instead of the result mentioned in *paragraph (a)* or *(b)* of *subsection (1)*, an act referred to in that subsection that is shown to have been done without the consent of one or more of the other multiple tenants results in—

(*a*) the tenant responsible for the act (and any tenant who consented to that act) losing the benefit of the protection, if he or she otherwise has the benefit of it, of the *Part 4* tenancy, or

(*b*) the rendering of the benefit for him or her (and any tenant who consented to that act) of that protection, if he or she otherwise has the benefit of it, liable to be terminated by the landlord in accordance with this Part as adapted by *subsection (4)*,

as the case may be.

(4) For the purposes of *subsection (3)*, any provision of this Part which—

(*a*) provides for the termination of a *Part 4* tenancy,

(*b*) renders such a tenancy liable to termination by the landlord, or

(*c*) makes provision incidental to, or consequential on, the foregoing,

shall, in relation to a case to which that subsection applies, be construed and operate as a provision which, as appropriate—

(i) provides for the loss of the benefit of the protection of the *Part 4* tenancy for the tenant or tenants concerned,

(ii) renders the benefit for that tenant or those tenants of that protection liable to be terminated by the landlord, or

(iii) makes provision incidental to, or consequential on, the matter referred to in *paragraph (i)* or *(ii)*.

(5) Without limiting the generality of the foregoing, such adaptation of this Part allows the landlord to obtain a determination under *Part 6* requiring the tenant who is in default to vacate possession of the dwelling concerned (without prejudice to the other multiple tenant's or tenants' possession of the dwelling).

(6) For the purpose of *subsection (4), Part 5* has effect as if every provision it makes with respect to a notice of termination were a provision with respect to a notice terminating the benefit of the protection of the *Part 4* tenancy concerned.

(7) In this section a reference to the doing of an act includes the making of an omission.

Immaterial that tenant whose occupation gave rise to *Part 4* tenancy quits or dies.

52.—For the avoidance of doubt, neither—

(*a*) the vacating of possession of the dwelling concerned by the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence in respect of that dwelling, nor

(*b*) the death of that tenant,

of itself, deprives the other multiple tenant or tenants of the benefit of that tenancy's protection.

No separate *Part 4* tenancy to arise in multiple tenant's favour.

53.—The conferral of the benefit of the protections under this Part on a person referred to in *section 50(2)* or *(3)* shall not be read as operating to bring into existence a separate *Part 4* tenancy in his or her favour as respects the dwelling concerned.

CHAPTER 7

Miscellaneous

No contracting out from terms of Part permitted.

54.—(1) No provision of any lease, tenancy agreement, contract or other agreement (whether entered into before, on or after the relevant date) may operate to vary, modify or restrict in any way a provision of this Part.

(2) This section is without prejudice to *section 26* (which allows more beneficial rights for a tenant than those accorded by this Part).

Protection under this Part and long occupation equity.

55.—(1) For the avoidance of doubt, occupation under a *Part 4* tenancy or a further *Part 4* tenancy shall be reckoned for the purposes of section 13(1)(*b*) of the Landlord and Tenant (Amendment) Act 1980.

F179**[**(2) A termination under *section 34* on one or more of the grounds specified in *paragraphs 2* to *6* of the Table to that section of a *Part 4* tenancy or a further *Part 4* tenancy shall not be regarded as a termination of that tenancy for the purposes of section 17(1)(a) of the Landlord and Tenant (Amendment) Act 1980.**]**

Annotations

Amendments:

F179 Substituted (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 41(4) and sch. part 2 ref. no. 10, S.I. No. 7 of 2017.

Damages for abuse of *section 34* termination procedure.

56.—(1) This section applies where—

(*a*) a tenant under a *Part 4* tenancy, or under a further *Part 4* tenancy, has vacated possession of the dwelling concerned on foot of a notice of termination served under *section 34(a)*,

(*b*) that notice of termination cited as the reason for the termination one or more of the grounds specified in *paragraphs 3* to *6* of the Table to *section 34*, and

(*c*) F180**[**(i) in case the ground cited is that specified in *paragraph 3* of that Table—

(I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period specified therein,

(II) the notice of termination is not accompanied by the statutory declaration referred to in *section 35*, or

(III) the offer referred to in *paragraph (aa)* of *subsection (8)* of *section 35* is not made in circumstances where the conditions specified in the said *paragraph (aa)* are satisfied,**]**

(ii) in case the ground cited is that specified in *paragraph 4* of that Table, the occupation by the person concerned does not take place within a reasonable time after the service of the notice of termination or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iii) in case the ground cited is that specified in *paragraph 5* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the service of the notice of termination or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iv) in case the ground cited is that specified in *paragraph 6* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the service of the notice of termination or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph.

(2) Where this section applies, the tenant may make a complaint to the Board under *Part 6* that, by reason of the matters mentioned in *subsection (1)*, he or she has been unjustly deprived of possession of the dwelling concerned by the landlord.

(3) An adjudicator or the Tribunal, on the hearing of such a complaint, may, if he or she or it considers it proper to do so, make—

(*a*) a determination comprising a direction that the landlord shall pay to the complainant an amount by way of damages for that deprivation of possession,

(*b*) subject to *section 118*, a determination comprising a direction that the complainant be permitted to resume possession of the dwelling concerned, or

(*c*) subject to *section 118*, a determination comprising both of the foregoing directions.

(4) Damages may not be directed to be paid to a particular person, in respect of the same deprivation of possession, under both *subsection (3)* and *section 118(1)*.

(5) If 2 or more of the grounds specified in *paragraphs 3* to 6 of the Table to *section 34* were cited in the notice of termination concerned, then *paragraph (c)* of *subsection (1)* shall be read as meaning that an omission of the kind mentioned in that paragraph must have occurred in relation to each of those grounds.

(6) For the avoidance of doubt—

(*a*) this section applies even though the tenant vacated possession of the dwelling only after a dispute in relation to the validity of the notice of termination was finally determined under *Part 6* (but in such a case *subsection (1)* has effect as if the paragraph set out in the Table to this section were substituted for *paragraph (c)* of that subsection), and

(*b*) this section is without prejudice to the tenant's right to put in issue, in a dispute in relation to the validity of the notice of termination referred to the Board under *Part 6*, the bona fides of the intention of the landlord to do or, as appropriate, permit to be done the thing or things mentioned in the notice.

TABLE

(*c*) F180**[**(i) in case the ground cited is that specified in paragraph 3 of that Table—

(I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period of 9 months after the tenant ceases to occupy the dwelling following the final determination of the dispute in relation to the validity of the notice of termination, or

(II) an enforceable agreement of the type referred to in that paragraph is not entered into within that period and the conditions specified in *paragraph (aa)* of *subsection (8)* of *section 35* are not satisfied,**]**

(ii) in case the ground cited is that specified in *paragraph 4* of that Table, the occupation by the person concerned does not take place within a reasonable time after the dispute is so determined or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iii) in case the ground cited is that specified in *paragraph 5* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the dispute is so determined or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iv) in case the ground cited is that specified in *paragraph 6* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the dispute is so determined or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph.

Annotations

Amendments:

F180 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 14(a), (b), S.I. No. 236 of 2019.

PART 5

TENANCY TERMINATIONS — NOTICE PERIODS AND OTHER PROCEDURAL REQUIREMENTS

CHAPTER 1

Scope of Part and interpretation provisions

Purpose of Part.

57.—The purpose of this Part is to specify the requirements for a valid termination by the landlord or tenant of a tenancy of a dwelling, whether the dwelling is—

(*a*) one to which this Act applies but to which *Part 4* does not apply F181**[**(by reason of the operation of *sections 3(7)(c)* or *25*)**]**, or

(*b*) one to which both this Act and that Part applies (in which case those requirements are in addition to the requirements of that Part with regard to the termination of a *Part 4* tenancy or a further *Part 4* tenancy).

Annotations

Amendments:

F181 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 11, commenced on enactment.

Termination of tenancies restricted to means provided by this Part.

58.—(1) From the relevant date, a tenancy of a dwelling may not be terminated by the landlord or the tenant by means of a notice of forfeiture, a re-entry or any other process or procedure not provided by this Part.

(2) Accordingly, the termination by the landlord or the tenant of—

(*a*) more beneficial rights referred to in *section 26* that the tenant enjoys under a tenancy than those created by *Part 4*, F182**[**...**]**

(*b*) a tenancy to which *section 25* F183**[**applies, or**]**

F184**[**(*c*) a tenancy of a dwelling referred to in *subsection (1A)* of *section 3*.**]**

must be effected by means of a notice of termination that complies with this Part.

(3) Each of the following—

(*a*) a tenancy referred to in *subsection (2)(a)* (unless it expressly excludes this means of termination),

(*b*) a tenancy referred to in *subsection (2)(b)*, and

(*c*) a tenancy of a dwelling created before or after the relevant date in so far as its operation is not affected by *Part 4* F185**[**(but subject to *subsection (4)* where the tenancy is a tenancy referred to in *subsection (1A)* of *section 3*)**]**,

shall be construed as including a term enabling its termination by means of a notice of termination that complies with this Part (but, in the case of a tenancy that is for a fixed period, unless it provides otherwise, only where there has been a failure by the party in relation to whom the notice is served to comply with any obligations of the tenancy).

F185**[**(4) Notwithstanding the application of *subsection (3)* to a tenancy referred to in *subsection (1A)* of *section 3*, such a tenancy shall also be construed as including a term enabling its termination by the tenant, by means of a notice of termination that complies with this Part, during the period beginning on 1 May and ending on 1 October in any year, whether or not there has been failure by the landlord to comply with any obligations of the tenancy.**]**

Annotations

Amendments:

F182 Deleted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 12(a), commenced on enactment.

F183 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 12(b), commenced on enactment.

F184 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 12(c), commenced on enactment.

F185 Inserted (19.07.2024) by *Residential Tenancies (Amendment) Act 2024* (22/2024), s. 4(1)(a), (b), S.I. No. 358 of 2024, subject to transitional provision in subs. (2).

Exclusion of existing rules and enactments.

59.—Subject to *section 60*, neither—

(*a*) any rule of law, nor

(*b*) provision of any enactment in force immediately before the commencement of this Part,

which applies in relation to the termination of a tenancy (and, in particular, requires a certain period of notice or a period of notice ending on a particular day to be given) shall apply in relation to the termination of a tenancy of a dwelling.

Greater notice periods not affected.

60.—If, in every case or a particular case or cases in which a right of termination is to be exercised, the lease or tenancy agreement comprising the tenancy requires a greater period of notice to be given by a notice of termination than that required by this Part, then, subject to *section 65(4)*, that greater period of notice shall be given by that notice in (as appropriate) every such case or such particular case or cases.

Construction of certain references to periods of notice and duration of tenancies.

61.—(1) A reference in this Part to a particular period of notice to be given by the notice of termination concerned is a reference to such a period that begins on the day immediately following the date of service of the notice.

(2) A reference in this Part to the duration of a tenancy is a reference to the period beginning on the day on which the tenancy came into existence or the relevant date, if later, and ending on the date of service of the notice of termination concerned.

CHAPTER 2

What a valid notice of termination must contain

Annotations

Modifications (not altering text):

C33 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

Requirements for a valid notice of termination.

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

(*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,

F186**[**(*da*) if *Part 4* does not apply to the tenancy, including where the duration of the tenancy is a period of not more than 6 months, state (where the termination is by the landlord) that the reason for the termination of the tenancy is one or more of the following:

(i) the same as the ground specified in *paragraph 1* of the Table to *section 34*;

(ii) the same as the ground specified in *paragraph 1A* of the Table to *section 34*;

(iii) the same as the ground specified in *paragraph 2* of the Table to *section 34*;

(iv) reasons other than the grounds referred to in *subparagraph (i), (ii)* or *(iii)*,**]**

(*e*) if the duration of the tenancy is a period of more than 6 months, F187**[**or the tenancy is a further *Part 4* tenancy,**]** 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 F188**[**the period referred to in *paragraph (a)* or *(b)*, as appropriate, of *section 80***]**.

F189**[**(1A) Where a notice of termination is served by a landlord, the landlord shall serve a copy of the notice on the Board on the same day on which the notice is served on the tenant, and where the copy is not so served the notice shall be invalid.

(1B) The Board shall, upon receiving a copy of a notice of termination under *subsection (1A)*, notify the tenant in writing of his or her entitlements under *section 76*, the period after which, under *section 80*, a dispute may not be referred to the Board, and give a copy of the statement given under *section 135(4)(e)* to the tenant and the landlord.**]**

(2) F190**[***Subsections (1)* and *(1A)* are**]** without prejudice to *Chapter 4* and *section 81(3)* (which specify additional requirements in respect of a tenancy that has been sub-let).

Annotations

Amendments:

F186 Inserted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 15(1)(a)(i), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F187 Inserted (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 42, S.I. No. 7 of 2017.

F188 Substituted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 15(1)(a)(ii), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F189 Inserted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 15(1)(b), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F190 Substituted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 15(1)(c), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

Modifications (not altering text):

C34 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

C35 Application of subs. (1)(g) restricted (7.10.2004) by *Residential Tenancies Act 2004 (Section 202) Regulations 2004* (S.I. No. 649 of 2004).

2. Section 62(1)(g) of the Residential Tenancies Act 2004 does not apply to a notice of termination the date of service of which is earlier than the day on which Part 6 of the Act comes into operation.

Date to be specified for purposes of *section 62(1)(f)*.

63.—For the purposes of *section 62(1)(f)*, the day that is to be specified in a notice of termination is the last day of—

(*a*) the period which, by reason of *Chapter 3*, is the period of notice to be given by that notice of termination, or

(*b*) such longer period of notice as the landlord or tenant (as appropriate) chooses, subject to *section 65(4)*, to give by that notice of termination.

Annotations

Modifications (not altering text):

C36 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

Reference to and validity of date of service of notice of termination.

64.—(1) For the avoidance of doubt, the specification in a notice of termination of a date as being its date of service does not comply with *section 62(1)(c)* if any relevant step in the service of that notice remains untaken on that date.

(2) A relevant step in the service of a notice remains untaken for the purposes of *subsection (1)* if any of the steps that are within the power or control of the landlord or tenant or agent (as appropriate) to take for the purpose of effecting such service remains untaken.

(3) A reference in this Part to the date of service of a notice of termination is a reference to the date the specification of which, in the notice of termination, complies with *subsection (1)*.

Annotations

Modifications (not altering text):

C37 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

F191**[**Slip or omission in notice of termination

64A.—On the hearing of a complaint under *Part 6* in respect of a notice of termination, an adjudicator or the Tribunal, as the case may be, may make a determination that a slip or omission which is contained in, or occurred during the service of, the notice of termination shall not of itself render the notice of termination invalid, if he or she or it, as the case may be, is satisfied that—

(*a*) the slip or omission concerned does not prejudice, in a material respect, the notice of termination, and

(*b*) the notice of termination is otherwise in compliance with the provisions of this Act.**]**

Annotations

Amendments:

F191 Inserted (8.01.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 30, S.I. No. 4 of 2016.

Modifications (not altering text):

C38 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

Editorial Notes:

E146 The section heading is taken from the amending section in the absence of one included in the amendment.

CHAPTER 3

Period of notice to be given

Annotations

Modifications (not altering text):

C39 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

F192[Duration of tenancy for purposes of this Chapter

64B.—(1) For the purposes of this Chapter, a *Part 4* tenancy and any further *Part 4* tenancy entered into following the expiration of—

(*a*) the said *Part 4* tenancy, or

(*b*) a further *Part 4* tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

F193[(1A) (*a*) For the purposes of this Chapter—

(i) a new tenancy referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021 of a dwelling created immediately following the expiration of a relevant *Part 4* tenancy of that dwelling, and

(ii) that relevant *Part 4* tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

(*b*) For the purposes of this Chapter—

(i) a new tenancy referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021 of a dwelling created immediately following the expiration of a relevant further *Part 4* tenancy of that dwelling,

(ii) that relevant further *Part 4* tenancy, and

(iii) any *Part 4* tenancy or further *Part 4* tenancy of the dwelling concerned immediately preceding that relevant further *Part 4* tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

(*c*) In this subsection—

"relevant *Part 4* tenancy" means a *Part 4* tenancy that—

(*a*) came into being before the commencement of section 5 of the Residential Tenancies (Amendment) Act 2021, and

(*b*) expired on or after such commencement; and

"relevant further *Part 4* tenancy" means a further *Part 4* tenancy that—

(*a*) came into being before the commencement of section 5 of the Residential Tenancies (Amendment) Act 2021, and

(*b*) expired on or after such commencement.**]**

(2) This section is without prejudice to *subsection (2)* of *section 61*.**]**

Annotations

Amendments:

F192 Inserted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 15, S.I. No. 236 of 2019.

F193 Inserted (11.06.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 6(1)(d), commenced as per subs. (2) and s. 5(5).

Modifications (not altering text):

C40 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

What this Chapter does.

65.—(1) This Chapter states the period of notice to be given by a notice of termination.

(2) Nothing in this Chapter is to be read as requiring the period of notice concerned to be actually mentioned in the notice of termination; compliance with *section 62(1)(f)* (which relates to the termination date) suffices for the purposes of communicating the length of notice being given.

(3) Subject to *subsection (4)*, a greater period of notice than that required by this Chapter may be given if the landlord or tenant (as appropriate) so chooses.

(4) If the duration of the tenancy concerned is less than 6 months, a period of notice of more than F194**[**90 days**]** may not be given in respect of it.

F195**[**(5) In the case of a tenancy of a dwelling referred to in *subsection (1A)* of *section 3* a period of notice of more than 28 days may be given by a tenant in accordance with *subsection (2C)* of *section 66*.**]**

Annotations

Amendments:

F194 Substituted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 95(1), commenced as per s. 99(1), subject to transitional provision in subs. (2).

F195 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 13, commenced on enactment.

Modifications (not altering text):

C41 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

Period of notice where *section 67* or *68* is inapplicable.

66.—(1) This section applies where the tenancy is being terminated—

(*a*) otherwise than by reason of the landlord's or tenant's failure to comply with any of the obligations of the tenancy, or

(*b*) by reason of such a failure but a condition in another section of this Chapter is required to be satisfied if the period of notice provided by that section is to apply and that condition is not satisfied.

(2) F196**[**Subject to *subsection (2A)*, where**]** this section applies the period of notice to be given by the notice of termination is—

(*a*) in the case of a termination by the landlord, the period mentioned in *column (2)* of *Table 1* to this section opposite the mention of the duration of the tenancy concerned in *column (1)* of that Table, and

(*b*) in the case of a termination by the tenant, the period mentioned in *column (2)* of *Table 2* to this section opposite the mention of the duration of the tenancy concerned in *column (1)* of that Table.

F197**[**(2A) (*a*) Where, on the hearing of a complaint under *Part 6* in respect of a notice of termination served by a landlord or a tenant (the "original notice"), an adjudicator or the Tribunal, as the case may be, makes a determination that—

(i) the original notice is invalid due to a defect contained in, or occurring during the service of, the original notice,

(ii) the defect concerned does not prejudice, in a material respect, the original notice, and

(iii) the original notice is otherwise in compliance with the provisions of this Act,

the adjudicator or the Tribunal shall make a further determination that the landlord or tenant, as may be appropriate, may remedy the original notice in accordance with *paragraph (b)*.

(*b*) In the circumstances set out in *paragraph (a)*, the following shall apply:

(i) the landlord or tenant, as may be appropriate, shall be permitted to remedy the original notice to cure the defect identified by the adjudicator or Tribunal, as the case may be, by serving a new notice (the "remedial notice");

(ii) the remedial notice shall be served within 28 days of the issue of the determination order under *section 121*;

(iii) where, on the date of service of the remedial notice, the period of notice to be given by the original notice has expired, the period of notice to be given by the remedial notice is 28 days;

(iv) where, on the date of service of the remedial notice, the period of notice to be given by the original notice has not expired, the period of notice to be given by the remedial notice is the cumulative period of—

(I) the period of notice to be given by the original notice which remains unexpired on the date of service of the remedial notice, and

(II) 28 days;

(v) this Part applies, with any necessary modifications, to a remedial notice in the same way as it applies to an original notice;

(vi) an adjudicator or Tribunal shall not permit the landlord or tenant, as the case may be, to remedy the original notice under *subparagraph (i)* if satisfied that the original notice was served by the landlord or tenant, as the case may be, knowingly in contravention of this Act.**]**

F197**[**(2B) Where this section applies, the period of notice to be given in respect of a tenancy referred to in *subsection (1A)* of *section 3* F198**[**by the landlord**]** and specified in the notice of termination shall be not less than 28 days.**]**

F199**[**(2C) Where this section applies, the period of notice to be given in respect of a tenancy referred to in *subsection (1A)* of *section 3* by the tenant and specified in the notice of termination shall be 28 days or such longer period as the tenant chooses.**]**

(3) This section is subject to *section 69*.

F200**[**TABLE 1

Termination by Landlord

Duration of Tenancy (1)	Notice Period (2)
Less than 6 months	90 days
Not less than 6 months but less than one year	152 days
Not less than one year but less than 7 years	180 days
Not less than 7 years but less than 8 years	196 days
Not less than 8 years	224 days**]**

F201**[**TABLE 2

Termination by Tenant

Duration of Tenancy (1)	Notice Period (2)
Less than 6 months	28 days
6 or more months but less than 1 year	35 days
1 year or more but less than 2 years	42 days
2 or more but less than 4 years	56 days
4 years or more but less than 8 years	84 days
8 or more years	112 days**]**

Annotations

Amendments:

F196 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 16(a), S.I. No. 236 of 2019.

F197 Inserted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 16(b), (c), S.I. No. 236 of 2019.

F198 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 14(a), commenced on enactment.

F199 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 14(b), commenced on enactment.

F200 Substituted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 96(1), commenced as per s. 99(1), subject to transitional provision in subs. (2).

F201 Substituted (4.12.2015) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 31, commenced on enactment, subject to transitional provision in subs. (2).

Modifications (not altering text):

C42 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

Editorial Notes:

E147 Previous affecting provision: Table 1 substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 16(1)(d), S.I. No. 236 of 2019, subject to transitional provision in subs. (2); substituted as per F-note above.

E148 Previous affecting provision: Table 1 substituted (4.12.2015) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 31, commenced on enactment, subject to transitional provision in subs. (2); substituted as per F-note above.

Period of notice for termination by landlord where tenant in default.

67.—(1) This section applies where the tenancy is being terminated by the landlord by reason of the failure of the tenant to comply with any of the obligations of the tenancy.

(2) Where this section applies the period of notice to be given by the notice of termination is—

(*a*) 7 days, if the tenancy is being terminated by reason of behaviour of the tenant that is—

(i) behaviour falling within *paragraph (a)* or *(b)* of the definition of "behave in a way that is anti-social" in *section 17(1)*, or

(ii) threatening to the fabric of the dwelling or the property containing the dwelling,

or

F202[(*aa*) in the case of the termination of a Part 4 tenancy, 28 days (regardless of the duration of the tenancy) provided that, where the reason for such

termination is the failure by the tenant to pay an amount of rent due, the condition specified in *subsection (3)* is satisfied,**]**

(*b*) F203**[**in the case of the termination of a tenancy of a dwelling to which *Part 4* does not apply,**]** 28 days, if the tenancy is being terminated—

(i) for any other reason (but not a failure to pay an amount of rent due), or

(ii) for failure to pay an amount of rent due and the condition specified in *subsection (3)* is satisfied,

regardless of the duration of the tenancy.

F204**[**(3) The condition that applies in respect of *paragraph (aa)* and *subparagraph (ii)* of paragraph (b) of *subsection (2)* is that—

(*a*) the tenant and the Board have been given a notification (in such form as may be specified by the Board) in writing by the landlord that such amount of rent due as is specified in the notification has not been paid to the landlord, and

(*b*) that amount is not paid to the landlord within the period of 28 days following—

(i) receipt of the notification by the tenant, or

(ii) receipt of the notification by the Board,

whichever occurs later.**]**

F205**[**(3A) Where the Board receives a notification under *subsection (3)*, it shall forthwith—

(*a*) provide the tenant concerned with such information in writing as will enable him or her to obtain advice of the type referred to in paragraph (ca) (inserted by paragraph (a) of section 28 of the Social Welfare (Miscellaneous Provisions) Act 2008) of subsection (1) of section 7 of the Comhairle Act 2000, and

(*b*) request the tenant to give his or her consent to the Board's assisting the tenant in obtaining such advice.

(3B) The Board shall assist a tenant in obtaining advice referred to in *subsection (3A)* if the tenant gives his or her consent pursuant to a request referred to in that subsection.

(3C) F206**[**...**]]**

(4) This section is subject to *section 69*.

Annotations

Amendments:

F202 Substituted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 12(a), commenced on enactment.

F203 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 32, S.I. No. 119 of 2016.

F204 Substituted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 12(b), commenced on enactment.

F205 Inserted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 12(c), commenced on enactment.

F206 Deleted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 97, commenced as per s. 99(1).

Modifications (not altering text):

C43 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

C44 Subs. (2)(aa), (b) applied with modifications (11.01.2021) by *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 12(1)(a)(i), commenced as per s. 1(3).

Notices of termination

12. (1) (a) Subject to *paragraph (b)*—

(i) section 67 of the Act of 2004 shall have effect in relation to a notice of termination to which this subsection applies as if the references, in paragraphs (aa) and (b) of subsection (2), to 28 days were references to 90 days, and

(ii) a notice of termination to which this subsection applies shall not specify a termination date that falls earlier than 13 April 2021.

...

C45 Application of section restricted (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020) s. 5(2), commenced on enactment.

Notices of termination served during emergency period

5. (1) This section applies to a notice of termination served on a tenant during the emergency period that cites as a reason for the termination concerned the failure by the tenant to pay an amount of rent due in respect of the tenancy of a dwelling.

(2) Notwithstanding the amendment of section 67 of the Act of 2004 effected by *section 12*, the said section 67 shall, subject to *subsections (3)* and *(4)*, have effect in relation to a notice of termination to which this section applies as if the references, in paragraphs (aa) and (b) of subsection (2), to 28 days were references to 90 days.

(3) A notice of termination to which this section applies shall not specify a termination date that falls earlier than 11 January 2021.

...

C46 Period of 14 days in subs. (3) construed and other provisions restricted for emergency period 27.03.2020 to 27.06.2020, extended to 20.07.2020 and to 1.08.2020) by *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), s. 5, commenced on enactment, extended by S.I. No. 224 of 2020 and S.I. No. 254 of 2020.

Notices of termination under Act of 2004

5. (1) (a) A landlord shall not serve a notice of termination in relation to the tenancy of a dwelling during the emergency period.

(b) A tenant who, but for the operation of *subsection (1)*, would not acquire any rights under Part 4 of the Act of 2004 shall not, by virtue of such operation, acquire such rights.

(2) (a) Subject to *paragraph (b)*, where a notice of termination (that cites as a reason for the termination concerned the ground specified in paragraph 1 of the Table to section 34 of the Act of 2004) served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(b) If a dispute or complaint in respect of a matter that occasioned the giving of a notice to which *paragraph (a)* applies is referred to the Board in accordance with section 78 of the Act of 2004, that paragraph shall cease to have effect in relation to that notice—

(i) upon the expiration of 10 days from the making of a determination by an adjudicator under subsection (4) of section 97 of the Act of 2004 in relation to the dispute or

complaint concerned save where an appeal from that determination is brought before the Tribunal, or

(ii) upon the making of a determination by the Tribunal under section 108 (other than a decision referred to in subsection (2) of that section) of the Act of 2004 in respect of such an appeal.

(3) Where a notice of termination (other than a notice of termination to which *subsection (1)* applies) referred to in section 34 of the Act of 2004 served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(4) (a) Where a notice of termination in respect of a tenancy of a dwelling of less than 6 months duration served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(b) A tenant shall not, by virtue of the operation of this subsection, acquire any rights under Part 4 of the Act of 2004.

(5) Section 67 of the Act of 2004 shall have effect during the emergency period as if, in *subsection (3)*, "28 days" were substituted for "14 days".

(6) In this section "revised termination date" means, in the case of a notice of termination served before the emergency period, the date immediately following the expiration of a period that consists of the aggregate of—

(a) the period of notice that remains unexpired on the commencement of the emergency period, and

(b) the emergency period.

(7) (a) Notwithstanding any of the provisions in this section, all proposed evictions in all tenancies in the State, including those not covered by the Act of 2004, are prohibited during the operation of the *Emergency Measures in the Public Interest (Covid-19) Act 2020*.

(b) For the avoidance of doubt, this section applies to all Local Authority and Approved Housing body dwellings.

(c) For the avoidance of doubt, all Travellers who are currently resident in any location should not during this crisis be evicted from that location except where movement is required to ameliorate hardship and provide protection and subject to consultation with the Travellers involved.

Editorial Notes:

E149 Previous affecting provision: subs. (2)(aa) inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 32, S.I. No. 119 of 2016; substituted as per F-note above.

Period of notice for termination by tenant where landlord in default.

68.—(1) This section applies where—

(*a*) the tenancy is being terminated by the tenant by reason of the failure of the landlord to comply with any obligations of the tenancy, and

(*b*) in a case falling within *subsection (2)(b)*, the condition specified in *subsection (3)* in relation to a termination in such a case is satisfied.

(2) Where this section applies the period of notice to be given by the notice of termination is—

(*a*) 7 days, if the tenancy is being terminated by reason of behaviour of the landlord that poses an imminent danger of death or serious injury or imminent danger to the fabric of the dwelling or the property containing the dwelling, or

(*b*) 28 days, if the tenancy is being terminated for any other reason,

regardless of the duration of the tenancy.

(3) The condition mentioned in *subsection (1)(b)* is—

(*a*) the landlord has been notified in writing of the failure concerned by the tenant, and

(*b*) the landlord does not remedy the failure within a reasonable time after being so notified.

(4) In *subsection (3)* "remedy the failure" means—

(*a*) in the case of a failure that does not result in financial loss or damage to the tenant or his or her property, to desist from the conduct that constitutes the failure, or if the failure consists of an omission to comply with an obligation, comply with that obligation, and

(*b*) in the case of a failure that does result in financial loss or damage to the tenant or his or her property—

(i) to pay adequate compensation to the tenant or repair the damage fully, and

(ii) unless the failure is not of a continuing nature, to desist from the conduct that constitutes the failure or comply with the obligation concerned, as the case may be.

(5) This section is subject to *section 69*.

Annotations

Modifications (not altering text):

C47 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

Exception to requirements of *sections 66* to *68*.

69.—(1) Subject to *subsection (2)*, the landlord or tenant may agree to a lesser period of notice being given than that required by a preceding provision of this Chapter and such lesser period of notice may be given accordingly.

(2) Such an agreement to a lesser period of notice being given may only be entered into at, or after, the time it is indicated to the tenant or landlord (as appropriate) by the other party that he or she intends to terminate the tenancy.

(3) For the avoidance of doubt, a term of a lease or tenancy agreement cannot constitute such an agreement.

Annotations

Modifications (not altering text):

C48 Application of chapter restricted (29.10.2022) by *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022), s. 3, commenced on enactment.

Notice of termination served during winter emergency period

3. (1) Notwithstanding Chapters 2 and 3 of Part 5 of the Act of 2004, a notice of termination, other than a notice of termination referred to in *section 2 (2)*, in respect of a tenancy of less than 6 months duration that is served by a landlord during the winter emergency period shall not specify a termination date that falls earlier than 18 June 2023.

(2) A notice of termination served in contravention of *subsection (1)* shall be invalid.

...

CHAPTER 4

Additional requirements and procedures where tenancy sub-let

Notices of termination in cases of tenancies that are sub-let.

70.—(1) This section applies where—

(*a*) the tenancy ("the head-tenancy") of the dwelling concerned is the subject of a sub-tenancy ("the sub-tenancy"), and

(*b*) the landlord under the head-tenancy proposes to terminate the head-tenancy.

(2) Where this section applies, a notice of termination in respect of the head-tenancy must, in addition to its complying with *section 62*, state whether or not the landlord under the head-tenancy requires the head-tenant to terminate the sub-tenancy.

(3) If a requirement to terminate the sub-tenancy is stated in such a notice, then, in addition to its being served on the head-tenant, a copy of that notice must be served on the tenant of the sub-tenancy ("the sub-tenant") F207**[**by the landlord**]**.

Annotations

Amendments:

F207 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 33, S.I. No. 119 of 2016.

Procedures on foot of service of notice mentioned in *section 70* in non-contentious case.

71.—(1) Where—

(*a*) *section 70* applies,

(*b*) a requirement is stated in the notice of termination of the head-tenancy to terminate the sub-tenancy, and

(*c*) no dispute in relation to the termination of the head-tenancy is referred under *Part 6* to the Board, the head-tenant must, within 28 days from the receipt of that notice, comply with that requirement, that is to say, serve a notice of termination in respect of the sub-tenancy on the sub-tenant.

(2) "Head-tenancy", "head-tenant", "sub-tenancy" and "sub-tenant" in this section shall be construed in accordance with *section 70*.

Procedures on foot of service of notice in cases not falling under *section 71*.

72.—(1) Where—

(*a*) *section 70* applies,

(*b*) the notice of termination of the head-tenancy does not require the termination of the sub-tenancy, and

(*c*) no dispute in relation to the termination of the head-tenancy is referred under *Part 6* to the Board,

the head-tenant must, within 28 days from the receipt of that notice, notify the sub-tenant of the contents of that notice.

(2) Where—

(*a*) *section 70* applies,

(*b*) the notice of termination of the head-tenancy does not require the termination of the sub-tenancy, and

(*c*) a dispute in relation to the termination of the head-tenancy is referred under *Part 6* to the Board,

the head-tenant must, within 28 days from the receipt of that notice, notify the sub-tenant—

(i) of the contents of that notice, and

(ii) of the fact that that dispute has been referred to the Board.

(3) The particulars of the determination order (if any) made by the Board on foot of that reference must be notified by the head-tenant to the sub-tenant within 14 days from the receipt by the head-tenant of the order.

(4) "Head-tenancy", "head-tenant", "sub-tenancy" and "sub-tenant" in this section shall be construed in accordance with *section 70*.

CHAPTER 5

Miscellaneous

Notice of termination by multiple tenants.

73.—(1) *Subsection (2)* applies where a notice of termination is being served in respect of a dwelling by all of the multiple tenants of the dwelling.

(2) Where this subsection applies, it suffices, for the purposes of *section 62(1)(b)*, that the notice of termination is signed by one of the multiple tenants if—

(*a*) the notice states it is signed by that person on behalf of himself or herself and the other tenant or tenants, and

(*b*) the other tenant or each other tenant is named in the notice.

(3) Any rule of law that a notice of termination served by any of 2 or more multiple tenants under a periodic tenancy of a dwelling without the concurrence of the other or others, or without the knowledge of the other or others, is effective to terminate that tenancy is abolished.

(4) In this section "multiple tenants" has the same meaning as it has in *Chapter 6* of *Part 4*.

Offence to do certain acts on foot of invalid termination.

74.—(1) A person is guilty of an offence if—

(*a*) a notice of termination that is invalid purports to be served by the person (or on his or her behalf) in respect of a tenancy, and

(*b*) the person does any act, in reliance on the notice, that affects adversely, or is calculated to affect adversely, any interest of the person on whom the notice is served.

(2) In proceedings for an offence under this section, it is a defence to show that the defendant neither knew nor could reasonably be expected to have known of the existence of any fact that gave rise to the invalidity of the notice concerned.

(3) For the purposes of *subsection (1)*, an act is done by a person in reliance on a notice if—

(*a*) its doing is accompanied or preceded by a statement made by the person (in writing or otherwise and however expressed) that it is being done, or will be done, in reliance on the notice, or

(*b*) in all the circumstances it is reasonable to infer that it is done in reliance on the notice.

(4) For the avoidance of doubt, references in this section to the doing of an act include references to the making of a statement (whether in writing or otherwise).

PART 6

DISPUTE RESOLUTION

CHAPTER 1

Referral of matters to Board for resolution

Interpretation *(Part 6)*.

75.—(1) References in this Part to the referral of a matter to the Board for resolution are references to the referral of the matter for the purposes of mediation, a determination by an adjudicator or a determination by the Tribunal under this Part (or more than one of those things) being carried out or made in relation to it.

(2) References in this Part to a dispute include references to a disagreement and, unless the context does not admit of such a construction, a complaint mentioned in *section 56(2), 76(4), 77* or *195(4)* or *paragraph 8(2)* of F208**[***Schedule 1***]** to this Act.

(3) For the purposes of *subsection (2)* "disagreement" shall be deemed to include—

(*a*) any issue arising between the parties with regard to the compliance by either with his or her obligations as landlord or tenant under the tenancy,

(*b*) any matter with regard to the legal relations between the parties that either or both of them requires to be determined (for example, whether the tenancy has been validly terminated),

and, without prejudice to the generality of the foregoing, shall be deemed to include a claim by the landlord for arrears of rent to which the tenant has not indicated he or she disputes the landlord's entitlement but which it is alleged the tenant has failed to pay.

(4) References in this Part to a party, without qualification, are references to—

(*a*) a party to the dispute or disagreement concerned,

(*b*) in the case of proceedings referred to in *section 23* to recover rent or other charges where the landlord or the person alleged to owe the rent or other charges is deceased, the personal representative of the landlord or that other person,

(*c*) the personal representative of the landlord or the tenant in any other case where, if the matter were a cause of action (within the meaning of the Civil Liability Act 1961), it would have survived for the benefit of, or against, the estate of the landlord or the tenant,

(*d*) in the case of a complaint mentioned in *section 76(4)*, the licensee and the landlord, and

(*e*) in the case of a complaint mentioned in *section 77*—

(i) the complainant, and

(ii) the landlord of the dwelling concerned.

Annotations

Amendments:

F208 Substituted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 17, S.I. No. 236 of 2019.

F209 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 34(a), (c), not commenced as of date of revision.

F210 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 34(b), not commenced as of date of revision.

Modifications (not altering text):

C49 Prospective affecting provision: subs. (2) and (4)(d) amended and subs. (4)(da) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 34, not commenced as of date of revision.

(2) References in this Part to a dispute include references to a disagreement and, unless the context does not admit of such a construction, a complaint mentioned in *section 56(2)*, *76(4)*, F209**[***76A,***]** *77* or *195(4)* or *paragraph 8(2)* of the *Schedule* to this Act.

...

(4) ...

(*d*) in the case of a complaint mentioned in *section 76(4)*, the licensee and the F210**[**landlord,**]**

F209**[**(*da*) in the case of a complaint mentioned in *section 76A*—

(i) the landlord and the tenant, or

(ii) in the case of a sub-tenancy, the head-tenant and the sub-tenant referred to in that section,

and**]**

...

C50 Subs. (4)(b) applied with modifications (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(14), S.I. No. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. ...

(14) The provisions of the Act of 2004 specified in column (2) of the Table to this section at each reference number shall apply to cost rental tenancies as if the provisions of the Act of 2004 specified at the same reference number in column (3) of the Table were references to the provisions of this section specified at the same reference number in column (4) of the Table, subject, where relevant, to any proviso specified at the same reference number in column (5).

Table

Ref No. (1)	Section of Act of 2004 (2)	Provisions of Act of 2004 referenced (3)	Substituted provisions of this section (4)	Proviso (5)
1.	section 75(4)(b)	section 23	subsection (13)	
...	...	...	...	

Right of referral by parties to tenancy and certain other persons.

76.—(1) Either or both of the parties to an existing or terminated tenancy of a dwelling may, individually or jointly, as appropriate, refer to the Board for resolution any matter relating to the tenancy in respect of which there is a dispute between them.

(2) In the case of a tenancy that has been terminated a dispute as to the amount of any rent that had been agreed to or paid by the former tenant may not be referred by him or her to the Board for resolution at any time after the period of 28 days from the termination of the tenancy.

(3) The landlord may refer to the Board for resolution any matter relating to a dwelling in respect of which there is a dispute between the landlord and another, not being the tenant but through whom the other person claims any right or entitlement.

(4) A licensee referred to in *section 50(7)* may refer to the Board for resolution a complaint by him or her that the landlord referred to in that provision has unreasonably refused to accede to a request of the licensee made under that provision.

Annotations

Modifications (not altering text):

C51 Application of subs. (4) restricted (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 32(8), S.I. No. 424 of 2021.

Application of Act of 2004

32. ...

(8) Sections 50(8) and 76(4) of the Act of 2004 shall not apply to a person who is lawfully in occupation of a cost rental dwelling as a licensee of the tenant during the subsistence of a tenancy protected under Part 4 of that Act and who requests the landlord of the dwelling to allow him or her to become a tenant of the dwelling.

F211[Right of referral of complaint in respect of compliance with *section 86(1)(a)*

76A.— ...]

Annotations

Amendments:

F211 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 35, not commenced as of date of revision.

Modifications (not altering text):

C52 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 35, not commenced as of date of revision.

F211[**76A.**—(1) This section applies where a matter has been referred to the Board for resolution (the "original dispute") and pending the determination of that dispute a tenant referred to in *section 86(1)(a)(i)*, or as the case may be, a sub-tenant referred to in *section 86(1)(a)(ii)*, has failed to comply with *section 86(1)(a)*.

(2) (*a*) Without prejudice to the generality of *section 76* or to *section 78(1)(q)*, or the obligation referred to in *section 16(a)*, a landlord may refer to the Board for resolution a complaint that the tenant referred to in *section 86(1)(a)(i)* has failed to comply with *section 86(1)(a)*.

(*b*) Without prejudice to the generality of *section 76* or to *section 78(1)(q)*, or the obligation referred to in *section 16(a)*, a head-tenant may refer to the Board for resolution a complaint that the sub-tenant referred to in *section 86(1)(a)(ii)* has failed to comply with *section 86(1)(a)*.

(3) In this section—

"head-tenant" has the meaning assigned to it by *paragraph 1* of the Schedule;

"sub-tenant" has the meaning assigned to it by *paragraph 1* of the Schedule.]

Editorial Notes:

E150 The section heading is taken from the amending section in the absence of one included in the amendment.

F212[*Section 76A*: supplemental provisions relating to adjudication and determination of dispute relating to complaint

76B.— ...]

Annotations

Amendments:

F212 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 35, not commenced as of date of revision.

Modifications (not altering text):

C53 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 35, not commenced as of date of revision.

F212[**76B.**—(1) Where in respect of a dispute concerning a complaint under *section 76A*, the Board has made a communication under *section 92* in relation to the dispute and has, in accordance with *section 94(aa)*, arranged for the dispute to be the subject of adjudication—

(*a*) when adjudicating, under *section 97*, such dispute and without prejudice to *section 97*, the adjudicator—

(i) shall have regard to the original dispute referred to in *section 76A*, and

(ii) may proceed to give such directions under *section 117* as he or she considers appropriate for the purpose of providing relief of an interim nature in respect of the complaint,

and

(*b*) the Board shall arrange for the original dispute referred to in *section 76A* and the dispute concerning a complaint under *section 76A* to be determined concurrently.

(2) Where in respect of a dispute concerning a complaint under *section 76A*, the Board has made a communication under *section 92* in relation to the dispute and has, in accordance with *section 94(aa)*, referred it to the Tribunal—

(*a*) when determining such dispute, without prejudice to *Chapter 6* of this Part, *section 109* or any other provision of this Part, the Tribunal—

(i) shall have regard to the original dispute referred to in *section 76A*, and

(ii) may proceed to give such directions under *section 117* as it considers appropriate for the purpose of providing relief of an interim nature in respect of the complaint,

and

(*b*) the Board shall arrange for the original dispute referred to in *section 76A* and the dispute concerning a complaint under *section 76A* to be determined concurrently.]

Right of referral in respect of breach of duty under *section 15*.

77.—(1) A person referred to in *section 15* may, if the conditions specified in *subsection (2)* are satisfied, refer to the Board for resolution a complaint by him or her that the landlord of a dwelling has breached the duty owed to him or her under that section.

F213[(1A) Without prejudice to *subsection (1)*, where the breach of duty referred to in that subsection concerns a breach of duty referred that relates to the obligation of the tenant under *section 16(h)*, the complaint may, if the conditions specified in *subsection (2A)* are satisfied, be referred to the Board by, or on behalf of, a person referred to in *section 15*.]

(2) The conditions mentioned in *subsection (1)* are—

(*a*) the referrer of the complaint is or was directly and adversely affected by the breach of duty alleged in the complaint, and

(*b*) before making the reference, the referrer, by communicating or attempting to communicate, with the relevant parties or former parties to the tenancy concerned, took all reasonable steps to resolve the matter (but this requirement shall not be read as requiring the institution of legal proceedings or those parties being given to understand that such proceedings might be instituted).

F213**[**(2A) The conditions mentioned in *subsection (1A)* are—

(*a*) the person referred to in *section 15* is or was directly and adversely affected by the breach of duty alleged in the complaint, and

(*b*) before making the reference, the person referred to in *section 15* took all reasonable steps to resolve the matter—

(i) by communicating or attempting to communicate with the landlord or former landlord, or

(ii) by—

(I) requesting a person referred to in *subsection (4)* (in this section referred to as a "*subsection (4)* person") to communicate with the landlord or former landlord on his or her behalf, and

(II) the *subsection (4)* person to whom such request was made having communicated or attempted to communicate with the landlord or former landlord on behalf of the person referred to in *section 15*,

and the requirement in this paragraph shall not be read as requiring the institution of legal proceedings or the landlord, or former landlord, being given to understand that such proceedings might be instituted.**]**

(3) For the purposes of facilitating the person's compliance with *subsection (2)(b)* F213**[**or, as the case may be, *subsection (2A)(b)***]**, the Board may furnish to a person who proposes to make a reference under this section F213**[**or, as the case may be, a *subsection (4)* person to whom a request under *subsection (4)* has been made,**]** the name and address of the landlord or his or her authorised agent (or the former landlord or his or her authorised agent) of the dwelling concerned if it appears to the Board that the first-mentioned person is a person who may make a reference under this section in relation to the matter concerned.

F213**[**(4) In the case of a complaint referred to in *subsection (1A)* a person referred to in *section 15* may request—

(*a*) an owners' management company within the meaning of the Multi-Unit Developments Act 2011,

(*b*) a body corporate, or

(*c*) an unincorporated body of persons where one of the principal objects of the unincorporated body is to promote the safety and security of dwellings or the safety, security and the general well-being of persons residing in the vicinity of the dwelling that is the subject of the tenancy concerned and includes a body commonly known as a residents' association or a neighbourhood watch group,

to do either or both of the following on his or her behalf:

(i) to make the communication referred to in *subsection (2A)(b)*;

(ii) to refer the complaint referred to in *subsection (1A)* to the Board.

(5) For the purposes of *section 75(4)(e)*, where, in accordance with this section, a *subsection (4)* person—

(*a*) refers a complaint to the Board on behalf of a person referred to in *section 15*, or

(*b*) makes the communication referred to in *subsection (2A)(b)* on behalf of a person referred to in *section 15*,

the *subsection (4)* person shall not be treated as a party to the complaint under this section and shall not be construed as being a party to a complaint under this section for the purposes of this Part.**]**

Annotations

Amendments:

F213 Inserted (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 36, S.I. No. 216 of 2016.

Particular matters that may be referred (non-exhaustive list).

78.—(1) Without prejudice to the generality of *sections 76* and *77*, the matters in respect of which disputes and, where appropriate, complaints may be referred to the Board for resolution include—

(*a*) the retention or refund of a deposit,

F214**[**(*aa*) any payment made to which *section 19B* applies.**]**

(*b*) the amount that ought to be initially set (in compliance with *section 19* F215**[**or, as the case may be, *section 19A***]**) as the amount of rent under a tenancy,

(*c*) the time at which a review of rent referred to in *Part 3* should take place or the amount of rent that should be determined on foot of that review,

(*d*) an alleged failure by the tenant to comply with any of the obligations applicable to the tenant, including those contained in any lease or tenancy agreement,

(*e*) an alleged failure by the landlord to comply with any of the obligations applicable to the landlord, including those contained in any lease or tenancy agreement,

F216**[**(*f*) an allegation that the landlord has sought to—

(i) terminate a tenancy (other than a tenancy referred to in *subsection (1A)* of *section 3*) other than in accordance with *Part 4*, or

(ii) terminate a tenancy referred to in *subsection (1A)* of *section 3* other than in accordance with *Part 5*,**]**

(*g*) an allegation that the ground stated by the landlord for the purposes of terminating a tenancy was not valid or that the notice used to terminate a tenancy did not comply with this Act,

(*h*) the appropriate period of notice to be given by a notice of termination in respect of a tenancy,

(*i*) whether a tenancy stands terminated notwithstanding the absence of the service of a notice of termination by the tenant and where the tenant has allegedly vacated the dwelling concerned,

(*j*) an alleged failure by the tenant or other occupant to offer up, by the specified date, vacant possession of a dwelling on foot of receipt by him or her of a notice of termination validly served by the landlord,

(*k*) an alleged failure by a sub-tenant to offer up, by the specified date, vacant possession of a dwelling on foot of receipt by him or her of a notice of termination validly served by a head-tenant,

(*l*) a claim for recovery of costs or damages or both by a landlord or tenant in respect of a failure by either to comply with his or her obligations applicable to the tenancy including those contained in any lease or tenancy agreement,

(*m*) a claim for costs or damages or both by a landlord or tenant for the purported termination of a tenancy otherwise than in accordance with this Act,

(*n*) an alleged failure by a person to comply with a determination order made by the Board,

(*o*) an allegation that a landlord has contravened *section 14* (prohibition on penalisation of tenants),

F217**[**(*oa*) an allegation that a landlord (within the meaning of *section 19C*) has contravened *section 19C*,**]**

(*p*) an allegation that an agreement referred to in *section 35(6)* has not been complied with,

(*q*) a claim by a landlord for arrears of rent or other charges.

(2) For the avoidance of doubt, a dispute may, subject to the provisions of this Part, be referred by a sub-tenant to the Board for resolution with regard to a notice of termination served in respect of the head-tenancy out of which the sub-tenant's tenancy arises whether or not such a dispute is also so referred by the head-tenant.

(3) On such a reference by the sub-tenant he or she shall have standing to put in issue any matter relating to the notice of termination concerned despite the head-tenant's—

(*a*) not having taken any issue with the head-landlord in relation to that matter, or

(*b*) having made any representation to the landlord or done any act that estops him or her from taking any such issue with the head-landlord, or

(*c*) not putting in issue that matter in any dispute so referred by himself or herself with regard to the notice of termination.

Annotations

Amendments:

F214 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 15, commenced on enactment.

F215 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 12, S.I. No. 151 of 2016.

F216 Substituted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 18, S.I. No. 354 of 2019.

F217 Inserted (19.07.2024) by *Residential Tenancies (Amendment) Act 2024* (22/2024), s. 5, S.I. No. 358 of 2024.

F218 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 37(a), (b), not commenced as of date of revision, subject to transitional provisions in subss. (2)-(5).

F219 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 37(1)(a), (b), not commenced as of date of revision, subject to transitional provisions in subss. (2)-(5).

F220 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 37(1)(b), not commenced as of date of revision, subject to transitional provisions in subss. (2)-(5).

Modifications (not altering text):

C54 Prospective affecting provision: subs. (1) amended, subs. (1)(a) substituted and subs. (1)(aa)-(ad) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 37, not commenced as of date of revision, subject to transitional provisions in subss. (2)-(5).

78.—(1) Without prejudice to the generality of *sections 76* and *77*, the matters in respect of which disputes and, F218**[**where appropriate, and without prejudice to *section 76A*, complaints**]** may be referred to the Board for resolution include—

F219**[**(*a*) without prejudice to the generality of *paragraph (e)*, failure by a landlord to transmit the deposit to the Board under *section 12(1)(d)(i)*,**]**

F220**[**(*aa*) failure by—

(i) a landlord to comply with *section 12(1)(d)(ii)(III)*, or

(ii) a tenant to comply with *section 16(o)(iii)*,

(*ab*) the return of the deposit to one or both parties,

(*ac*) failure by a party to the tenancy to comply with *sections 148A*, *148F(2)* or *148I(3)*,

(*ad*) any loss referred to in *section 148I(6)*,**]**

C55 Subs. (1)(b), (c) applied with modifications (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(14), S.I. No. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. ...

(14) The provisions of the Act of 2004 specified in column (2) of the Table to this section at each reference number shall apply to cost rental tenancies as if the provisions of the Act of 2004 specified at the same reference number in column (3) of the Table were references to the provisions of this section specified at the same reference number in column (4) of the Table, subject, where relevant, to any proviso specified at the same reference number in column (5).

Table

Ref No. (1)	Section of Act of 2004 (2)	Provisions of Act of 2004 referenced (3)	Substituted provisions of this section (4)	Proviso (5)
...	...	...	...	...
2.	section 78(1)(b)	sections 19 or as the case may be 19A	subsections (2), (3)(a) and (4)(a)	A referral of any such dispute or complaint must be made before—(a) the date on which the tenancy is to begin, or (b) the expiry of 28 days from the date of the cost rental tenancy agreement
3.	section 78(1)(c)	Part 3	subsections (2), (3)(b), (4)(b) and (5) to (12)	A referral of any such dispute or complaint must be made before the expiry of 28 days from the receipt by the tenant of the rent review notice
...	...	...	...	...

Different matters may be the subject of a single reference.

79.—There may be included in the same reference to the Board under *section 76* or *77* disputes and, where appropriate, complaints in respect of 2 or more different matters.

Annotations

Amendments:

F221 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 38, not commenced as of date of revision.

Modifications (not altering text):

C56 Prospective affecting provision: section designated as subs. (1) and subs. (2) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 38, not commenced as of date of revision.

79.—F221**[**(1)**]** There may be included in the same reference to the Board under *section 76* or *77* disputes and, where appropriate, complaints in respect of 2 or more different matters.

F221**[**(2) In the case of a complaint made under *section 76A*—

(*a*) *subsection (1)* shall not apply to the complaint, and

(*b*) the reference to the Board of a complaint made under *section 76A* shall not include any other dispute or complaint.**]**

Time limit for referring particular type of dispute.

F222**[80.** —A dispute relating to the validity of a notice of termination which has been served or purported to be served may not be referred to the Board for resolution at any time after—

(*a*) where section 67 or 68 applies, the period of 28 days, or

(*b*) in all other cases, the period of 90 days, has elapsed from the date of receipt of that notice.**]**

Annotations

Amendments:

F222 Substituted (6.07.2022) by *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), s. 98(1), commenced as per s. 99(1), subject to transitional provision in subs. (2).

Tenancies and subtenancies: referral of disputes concerning their termination.

81.—(1) The purpose of this section is to—

(*a*) limit, in certain circumstances, the right of referral to the Board by a sub-tenant of a dispute concerning the termination of the tenancy out of which his or her sub-tenancy arises, and

(*b*) require the tenant of such a tenancy (in addition to employing the procedures under *Chapter 4* of *Part 5*) to make a certain inquiry of the sub-tenant before the tenant may himself or herself refer to the Board for resolution a dispute concerning the termination of that tenancy.

(2) If a landlord, in serving a notice of termination on a tenant in respect of a tenancy, requires the tenant to terminate any sub-tenancy arising out of the tenancy, the tenant shall, if the tenant intends to refer to the Board for resolution a dispute concerning the termination of the tenancy, require the sub-tenant to inform him or her, within 10 days from receipt of the notice mentioned in *subsection (3)*, whether or not the sub-tenant intends to refer to the Board for resolution any dispute that the sub-tenant considers thereby arises or exists in the circumstances relating to the termination of the tenancy.

(3) That requirement shall be stated in the notice of termination required by the landlord to be served by the head-tenant on the sub-tenant.

(4) If a sub-tenant does not comply with the requirement mentioned in *subsection (2)* within the period specified in that subsection then the sub-tenant may not refer to the Board for resolution any dispute concerning the termination of the tenancy concerned.

(5) If the tenant—

(*a*) does not comply with the second-mentioned requirement in *subsection (2)*, then the tenant may not refer to the Board for resolution any dispute concerning the termination of the tenancy concerned, or

(*b*) does comply with that requirement, the tenant may not refer to the Board for resolution such a dispute until 15 days elapse from the date of service of the notice concerned mentioned in *subsection (3)*.

Withdrawal of matter referred to Board.

82.—(1) A party who has referred under this Part any matter to the Board may, at any stage, withdraw the matter.

(2) Subject to *subsection (3)*, a party shall indicate his or her wish to withdraw such a matter by serving a notice in writing on the Board to that effect.

(3) If the matter is being dealt with by a mediator, an adjudicator or the Tribunal, it suffices for the party to indicate, orally to him or her or it, that the party is withdrawing the matter.

(4) Without prejudice to *subsection (5)*, on oral or written notice, as appropriate, being given in respect of the withdrawal, the Board, the mediator, the adjudicator or the Tribunal shall consider the matter concerned withdrawn and, accordingly, shall not deal with it any further.

(5) On such notice being given to it or him or her, the Board, the mediator, the adjudicator or the Tribunal shall ascertain whether the other party to the dispute concerned objects to the withdrawal and, if he or she does so, the Board, mediator, adjudicator or Tribunal may direct that the party withdrawing the matter shall pay to the other party F223**[**subject to *subsection (6)*, any costs referred to in *subsection (7)***]** incurred by that other party as it or he or she determines.

F224**[**(6) Any costs awarded under *subsection (5)* shall not exceed €1,000.

(7) In *subsection (5)*, costs incurred by the other party includes costs or expenses—

(*a*) relating to travelling and attendance at any place required for the adjudication or determination of the matter concerned, and

(*b*) relating to the preparation of his or her case,

and, for the avoidance of doubt, such preparation costs do not include legal costs referred to in *section 5(3)(a)*.**]**

Annotations

Amendments:

F223 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 39(a), S.I. No. 119 of 2016.

F224 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 39(b), S.I. No. 119 of 2016.

Board not to deal with reference if fee not paid or tenancy not registered.

83.—(1) Subject to *subsection (3)*, the Board shall not—

(*a*) deal initially with a dispute referred to it under this Part, or

(*b*) allow any other procedure under this Part to be followed in relation to a dispute referred to it under this Part,

if the fee of the specified amount prescribed by rules under *section 109* in relation to that initial dealing or the following of that procedure has not been paid to it.

(2) Subject to *subsection (3)*, the Board shall not deal with a dispute in relation to a tenancy referred to it under this Part by the landlord of the dwelling concerned if the tenancy is not registered under *Part 7*.

(3) The Board may, in the case of a default in payment of a particular fee or registration under *Part 7* of a particular tenancy, notify the person or persons concerned of the default and afford the person or persons concerned a reasonable opportunity to rectify the matter; if the matter is rectified within a reasonable time the Board shall, subject to this Part, deal with the dispute or permit the other procedure to be followed in relation to it, as the case may be.

Further right of Board not to deal with certain references.

84.—(1) If the Board is of opinion that, in relation to a dispute referred to the Board—

(*a*) the dwelling, the subject of the dispute, is not a dwelling to which this Act applies,

(*b*) for any other reason, the dispute does not come within the Board's jurisdiction (including by reason of a failure to comply with any condition for its being referred to the Board),

(*c*) proceedings in any court in respect of the subject matter of the dispute, would, were they to be capable of being instituted at the date of the reference, be statute-barred, or

(*d*) the matter or matters concerned are trivial F225**[**, frivolous**]** or vexatious,

then the Board shall serve a notice on the party who referred the matter to it stating that it is of that opinion and, unless the party establishes, in accordance with the following subsections, that the opinion is not well founded, that it will not (subject to *subsection (6)*) deal with the matter.

(2) For the purposes of *subsection (1)*, the notice referred to in that subsection shall state that the party concerned may, within a period specified in the notice, make submissions to the Board as to why the party considers the opinion of the Board is not well founded.

(3) The Board shall consider any submissions made to it by that party within the period specified in the notice concerned.

(4) Unless the Board decides that any such submissions establish that the opinion of the Board referred to in *subsection (1)* was not well founded, the Board shall not, subject to *subsection (6)*, deal with the dispute referred to it; the other party or parties to the dispute shall be notified in writing of a decision made by the Board that that opinion was not well founded and shall be furnished by the Board, on request, with a copy of the foregoing submissions (or, if they were not written submissions, a written summary of them prepared by the Board).

(5) The party who referred the dispute concerned to the Board or, as the case may be, any other party to the dispute may appeal to the Circuit Court against a decision of the Board (made in consequence of the procedures under this section having been employed) not to deal with or, as appropriate, to deal with the dispute.

(6) On the hearing of such an appeal the Circuit Court may, as it thinks fit, allow the appeal and direct the Board to deal with or, as appropriate, not to deal with the dispute concerned or dismiss the appeal; an appeal under this section shall be heard by the judge of the Circuit Court for the circuit in which the tenancy or dwelling is or was situated.

(7) For the purpose of *subsection (1)(c)*, proceedings are statute-barred if a defence under the Statute of Limitations 1957 or any other limitation enactment is available in relation to them.

Annotations

Amendments:

F225 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 40, S.I. No. 119 of 2016.

Right of Tribunal or adjudicator not to deal with reference.

85.—(1) The Tribunal or an adjudicator shall, if the Tribunal or adjudicator is of opinion that *paragraph (a), (b), (c)* or *(d)* of *section 84(1)* applies to a dispute with which it or he or she is dealing, not deal any further with the dispute.

(2) *Subsection (1)* does not apply if—

(*a*) previously the Board, in consequence of the procedures under *section 84* having been employed by it in relation to the dispute, decided that an

opinion formed by it (being a like opinion to that subsequently formed by the Tribunal or adjudicator) in relation to the dispute was not well founded, or

(*b*) a decision of the Board, in consequence of those procedures having been employed by it, in relation to the dispute (being a decision of a like kind to the opinion subsequently formed by the Tribunal or adjudicator) was the subject of an appeal under *section 84(5)* and the Circuit Court, on that appeal, directed the Board to deal with the dispute.

Status of certain matters pending determination of dispute.

86.—(1) Subject to *subsection (2)*, pending the determination of a dispute that has been referred to the Board (but subject to that determination when it is made)—

F226**[**(*a*) the rent payable—

(i) under the tenancy concerned shall continue to be payable to the landlord by the tenant, or as the case may be, each multiple tenant, and

(ii) under any sub-tenancy arising out of a tenancy referred to in *subparagraph (i)*, shall continue to be payable to the head-tenant by the sub-tenant, or as the case may be, each sub-tenant,**]**

(*b*) if the dispute relates to the amount of rent payable, no increase in the amount of the rent may be made, and

(*c*) a termination of the tenancy concerned may not be effected.

(2) *Subsection (1)* does not apply if—

(*a*) in the case of *paragraph (a)* of that subsection, the parties concerned agree to payment of the rent being suspended,

(*b*) in the case of *paragraph (b)* of that subsection, the parties concerned agree to an increase in the amount of the rent being made,

(*c*) in the case of *paragraph (c)* of that subsection (unless the dispute is a dispute specified in *subsection (3)*), the notice of termination concerned was served—

(i) before the dispute was referred to the Board for resolution, or

(ii) after the dispute was so referred and the required period of notice to be given by the notice of termination is 28 days or less and that period of notice has been given,

or

(*d*) in any of the cases, the dispute is not dealt with, or ceases to be dealt with, under this Part pursuant to *section 82, 83, 84* or *85*.

(3) The dispute mentioned in *subsection (2)(c)* is a dispute relating to the validity of the notice of termination concerned or the right of the landlord or tenant, as appropriate, to serve it.

Annotations

Amendments:

F226 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 41, S.I. No. 119 of 2016.

Remedial action taken by party in certain cases to be disregarded.

87.—If a dispute referred to the Board relates to the termination of a tenancy for failure by the landlord or tenant to fulfil his or her obligations relating to the tenancy, any remedial action taken by the other party subsequent to the receipt of the notice of termination shall not be taken into consideration by the Board, a mediator, an adjudicator or the Tribunal in dealing with the dispute.

Extension of time for referring disputes to Board.

88.—(1) The Board may, on application to it, extend the time limited by any provision of this or any other Part for the referral of a dispute to it for resolution F227**[**or an appeal under *section 100* to the Tribunal against a determination of an adjudicator under *section 97(4)(a)*]**.

(2) The Board shall not extend the time concerned unless the applicant for the extension shows good grounds for why the time should be extended.

(3) The reference in this section to the time limited by any provision of this or any other Part for the referral of a dispute to the Board for resolution includes a reference to the time limited by such a provision for fulfilling any condition precedent that is required by the provision to be fulfilled before a particular dispute may be referred to the Board for resolution.

(4) An appeal shall lie to the Circuit Court (by the applicant for the extension or, as the case may be, any other party to the dispute concerned) against a decision of the Board under this section to, as appropriate—

(*a*) refuse to extend the time concerned, or

(*b*) extend the time concerned,

and, on the hearing of such an appeal, the Circuit Court may, as it thinks fit, confirm, vary or cancel the decision of the Board.

(5) An appeal under this section shall be heard by the judge of the Circuit Court for the circuit in which the tenancy or dwelling concerned is or was situated.

Annotations

Amendments:

F227 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 86(1) and sch., S.I. No. 119 of 2016.

CHAPTER 2

Relationship between Part and certain other dispute resolution mechanisms

Dispute subject of discontinued court proceedings may be subject of reference.

89.—For the avoidance of doubt, any dispute that has been the subject of proceedings instituted in any court before the commencement of this Part and which proceedings were discontinued by agreement of the parties after such commencement but before the court made its final determination in the matter may be the subject of a reference to the Board under this Part.

Arbitration agreement not effective to oust Board's jurisdiction save in certain circumstances.

90.—(1) Notwithstanding any other enactment or any provision of the agreement itself, an arbitration agreement shall not operate to preclude a dispute to which the agreement applies from being referred to the Board for resolution unless the tenant at or after the time the dispute arises consents to the dispute being referred to arbitration.

(2) In this section "arbitration agreement" has the same meaning as it has in the Arbitration Act 1954.

Annotations

Editorial Notes:

E151 *Arbitration Act 1954* (26/1954) repealed (8.06.2010) by *Arbitration Act 2010* (1/2010), s. 4, commenced as per s. 1(2). Note the effect of *Interpretation Act 2005* (23/2005), s. 26(f): (*f*) a reference in any other enactment to the former enactment shall, with respect to a subsequent transaction, matter or thing, be read as a reference to the provisions of the new enactment relating to the same subject-matter as that of the former enactment, but where there are no provisions in the new enactment relating to the same subject-matter, the former enactment shall be disregarded in so far as is necessary to maintain or give effect to that other enactment.

Dispute may not be referred to Board where alternative remedy is being pursued.

91.—(1) To the extent that an alternative remedy is available in respect of any dispute falling within this Part and a person takes any steps to avail himself or herself of that remedy, that person may not refer the dispute to the Board for resolution.

(2) If a person, other than the person mentioned in *subsection (1)*, refers a dispute to the Board for resolution, being a dispute—

(*a*) to which that other person is a party, and

(*b*) as respects which that other person takes or has taken steps of the kind mentioned in that subsection,

then the Board, a mediator, an adjudicator or the Tribunal may, in dealing with the dispute, take account (with regard to the relief that may be granted and to such extent as it or he or she considers just) of the existence of that alternative remedy.

CHAPTER 3

Preliminary steps by Board (include power to refer matter to Tribunal)

Initial steps that may be taken by Board to resolve matters referred.

92.—(1) As soon as practicable after a dispute is referred to it, the Board may communicate with the parties for the purpose of—

(*a*) endeavouring to ensure that they are fully aware of the nature of the issue or issues the subject of the reference, and

(*b*) in cases where it considers the dispute is due to some basic misunderstanding of either or both of them as to the rights or obligations of landlords and tenants, achieving the objective mentioned in *subsection (2)*.

(2) That objective is to have the issue or issues between the parties resolved by agreement between them without recourse being needed to the other procedures in this Part.

(3) Without prejudice to the generality of *subsection (1)*, the communications by the Board under this section with the parties may, where it would be of assistance to the parties, include an indication by the Board, based on appropriate assumptions stated to the parties, of the typical outcome of issues of the kind concerned being determined under this Part.

(4) Any such indication shall be communicated by the Board as fully to one of the parties as the other or others and the Board, in its communications generally with the parties under this section, shall bear in mind the right of the parties to invoke all of the procedures under this Part that are available to them.

Invitation to parties to resolve matter through mediation.

93.—(1) Unless the steps (if any) taken under *section 92* have resulted in the parties agreeing a resolution of the matter concerned, the Board shall request each of the parties to state whether he or she consents to the dispute being the subject of mediation under *section 95*.

(2) If each of the parties states, in response to that request, that he or she consents to the dispute being the subject of such mediation the Board shall arrange for the matter to be the subject of mediation by a person appointed by it from amongst the panel of mediators under *section 164(4)*.

F228**[**(2A) F229**[**...**]]**

(3) If any of the parties fails to respond to a request under *subsection (1)* or responds by stating that he or she does not consent to the matter concerned being the subject of mediation under *section 95*, the Board shall arrange for the matter to be the subject of adjudication under *section 97* by a person appointed by it from amongst the panel of adjudicators under *section 164(4)*.

(4) This section is subject to *section 94*.

Annotations

Amendments:

F228 Inserted (8.01.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 42(1), S.I. No. 4 of 2016, subject to transitional provision in subs. (2).

F229 Deleted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 19, S.I. No. 236 of 2019, subject to transitional provision in subs. (2).

Editorial Notes:

E152 Previous affecting provision: subs. (2A) inserted (8.01.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 42(1), S.I. No. 4 of 2016, subject to transitional provision in subs. (2); deleted as per F-note above.

Exceptions to *section 93*: direct reference of matter to Tribunal, etc.

94.—Notwithstanding *section 93*, the Board shall not be required to arrange for—

(*a*) mediation of the kind mentioned in that section in relation to a dispute if it has made an application to the Circuit Court under *section 189* in relation to the dispute, in which case the Board may, as it thinks appropriate—

(i) arrange for the dispute to be the subject of adjudication under *section 97* by a person appointed by it from amongst the panel of adjudicators under *section 164(4)*, or

(ii) refer the dispute to the Tribunal,

or

(*b*) mediation or adjudication of the kind mentioned in that section in relation to a dispute if, in all the circumstances, it considers it would be more appropriate for it to refer the dispute to the Tribunal and refers it accordingly.

Annotations

Amendments:

F230 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 43, not commenced as of date of revision.

Modifications (not altering text):

C57 Prospective affecting provision: para. (aa) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 43, not commenced as of date of revision.

F230**[**(*aa*) mediation of the kind mentioned in that section in relation to a complaint referred to in *section 76A* in which case the Board may, as it thinks appropriate—

(i) arrange for the dispute to be the subject of adjudication under *section 97* by a person appointed by it from amongst the panel of adjudicators under *section 164(4)*, or

(ii) refer the dispute to the Tribunal,**]**

CHAPTER 4

Mediation and adjudication

Mediation.

95.—(1) The following provisions apply to a mediation which the Board has arranged under *section 93* in relation to a dispute.

(2) The person appointed under *section 93(2)* to conduct the mediation ("the mediator") shall inquire fully into each relevant aspect of the dispute concerned, provide to, and receive from, each party such information as is appropriate and generally make such suggestions to each party and take such other actions as he or she considers appropriate with a view to achieving the objective mentioned in *subsection (3)*.

(3) That objective is to have the issue or issues between the parties resolved by agreement between them without further recourse to the procedures under this Part being needed.

(4) As soon as practicable after the mediation is completed, the mediator shall prepare a report containing the following—

(*a*) a statement of what matters, if any, relating to the dispute are agreed by the parties to be fact,

(*b*) a summary of the matter or matters, if any, whether they go in whole or part to resolving the dispute or not, agreed to by the parties (and this summary shall be contained in a document signed by each of the parties acknowledging that the matter or those matters are agreed to by them), and

(*c*) relevant particulars in relation to the conduct of the mediation (including particulars in relation to the number and duration of sessions held by the mediator and the F231**[**persons who participated in**]** any such session) and a list of any documents submitted to the mediator (but without disclosing any of their contents).

(5) The mediator shall, after preparing a report under *subsection (4)*, furnish a copy of it to the F233**[**Director**]**.

F234**[**(5A) Notwithstanding that, following a mediation, the parties have signed an agreement that resolves the dispute concerned, each of the parties may, not later than 10 days from the completion of the mediation concerned, notify the mediator and the Board in writing that he or she no longer agrees with that agreement and does not wish to be bound by it.

(5B) In this section and *section 96*, the "date of the completion of the mediation" means—

(*a*) the date that the document referred to in *subsection (3)(b)* is signed by each of the parties, or

(*b*) where the document is signed by the parties on different dates, the later of those dates.**]**

(6) F235**[**...**]**

Annotations

Amendments:

F231 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 44(1), (2), S.I. No. 119 of 2016.

F232 Substituted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. no. 1, S.I. No. 266 of 2018.

F233 Substituted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. no. 1, S.I. No. 266 of 2018.

F234 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 44(3), S.I. No. 119 of 2016.

F235 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 44(4), S.I. No. 119 of 2016.

Editorial Notes:

E153 Previous affecting provision: subs. (5) amended (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 44(2), S.I. No. 119 of 2016.; amendment substituted (23.07.2018) as per F-note above.

E154 Previous affecting provision: subs. (5) substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 44(1), (2), S.I. No. 119 of 2016; substituted as per F-note above.

F236**[**Procedures to be followed by Board following report of mediator

96. (1) Where—

(*a*) the report furnished to the F237**[**Director**]** under *section 95(5)* states that there is agreement between the parties and that the agreement resolves the dispute,

(*b*) a period of 10 days has elapsed from the date of the completion of the mediation, and

(*c*) during that period of 10 days no party to the agreement has made a notification under *section 95(5A)* to the mediator and the Board,

F237**[**the Director shall prepare**]** a determination order under *section 121* in respect of the dispute.

(2) Where—

(*a*) one or more of the parties to a dispute request the Board to refer the dispute to the Tribunal, and

(*b*) the report furnished F237**[**to the Director**]** under *section 95(5)* states that—

(i) there is no agreement between the parties that has resolved the dispute,

(ii) the dispute is not resolved notwithstanding that, one, or more than one, of the matters concerning the dispute have been agreed between the parties, or

(iii) there is an agreement between the parties that has resolved the dispute but, within the period of 10 days following the completion of the mediation, a party to that agreement has made a notification to the mediator and the Board under *section 95(5A)*,

the Board shall refer the dispute to the Tribunal.**]**

Annotations

Amendments:

F236 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 45, S.I. No. 119 of 2016, subject to transitional provision in subs. (2).

F237 Substituted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. nos. 2-4, S.I. No. 266 of 2018.

Adjudication.

97.—(1) The following provisions and *sections 98* and *99* apply to an adjudication which the Board has arranged under *section 93(3)* or *94(a)* in relation to a dispute.

(2) The person appointed under *section 93(3)* or *94(a)* to conduct the adjudication ("the adjudicator") shall inquire fully into each relevant aspect of the dispute concerned and provide to, and receive from, each party such information as is appropriate.

(3) For that purpose, the adjudicator may require either party to furnish to him or her, within a specified period, such documents or other information as he or she considers appropriate.

(4) The adjudicator shall determine the dispute by either—

(*a*) reaching a decision himself or herself in the matter, or

(*b*) subject to *section 98*, declaring to the parties that he or she has adopted, as his or her determination of the dispute, a decision reached (through the adjudicator's assistance under *subsection (5)*) by the parties themselves in resolution of the matter,

and the reference in *paragraph (a)* to the adjudicator's reaching a decision in the matter shall be deemed to include a reference to his or her deciding not to deal with the dispute in accordance with *section 85*.

(5) Where the adjudicator considers it would be of practical benefit, the adjudicator may provide assistance to the parties with a view to the parties themselves reaching a decision in resolution of the matter concerned; such assistance may include the adjudicator's stating to the parties any provisional conclusion he or she has reached in relation to any of the issues concerned.

(6) Any statement of such a conclusion shall—

(*a*) not be made in relation to any issue of fact which is in dispute between the parties, unless the parties request the making of such a statement,

(*b*) not be made before every document submitted to the adjudicator by the parties and any initial oral submissions made by them have been considered by the adjudicator, and

(*c*) be accompanied by a statement, whether oral or in writing, that the conclusion is of a provisional nature and its making does not absolve the adjudicator of his or her duty to determine the dispute impartially and in accordance with the requirements of procedural fairness.

(7) The adjudicator may, in his or her discretion, permit another person to appear on a party's behalf at any hearing before the adjudicator.

Annotations

Amendments:

F238 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 46, not commenced as of date of revision.

Modifications (not altering text):

C58 Prospective affecting provision: subss. (1) and (2) amended by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 46, not commenced as of date of revision.

97.—(1) The following provisions and *sections 98* and *99* apply to an adjudication which the Board has arranged under *section 93(3)* F238**[**, *94(a)* or *94(aa)***]** in relation to a dispute.

(2) The person appointed under *section 93(3)* F238**[**, *94(a)* or *94(aa)***]** to conduct the adjudication ("the adjudicator") shall inquire fully into each relevant aspect of the dispute concerned and provide to, and receive from, each party such information as is appropriate.

"Cooling-off" period for purposes of *section 97(4)(b)*.

98.—(1) A decision reached by the parties themselves in resolution of the matter concerned may not be the subject of a declaration under *section 97(4)(b)* unless—

(*a*) a period of F239**[**10 days**]** has elapsed from the date on which the parties first inform the adjudicator that such a decision has been reached by them, and

(*b*) in that period none of the parties has informed the adjudicator that he or she no longer accepts that decision.

(2) If, in the period mentioned in *subsection (1)*, the adjudicator is informed by any of the parties that he or she no longer accepts the decision mentioned in that subsection, the adjudicator shall, subject to conducting any further hearings in the matter as he or she thinks appropriate, proceed to reach a decision himself or herself in the matter.

(3) The adjudicator shall indicate to the parties the effect of this section upon being first informed by them that a decision has been reached by them in resolution of the matter concerned.

(4) That indication of the adjudicator shall also include an indication that the decision reached is not capable of being appealed to the Tribunal and shall become binding on the parties on a determination order under *section 121* being made in relation to it.

Annotations

Amendments:

F239 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 47, S.I. No. 119 of 2016.

Adjudicator's report.

99.—(1) As soon as practicable after an adjudicator has made a determination under *section 97* in relation to a dispute, the adjudicator shall prepare a report containing the following—

(*a*) a statement of what matters, if any, relating to the dispute are agreed by the parties to be fact,

(*b*) a summary of the matters (whether they go in whole or part to resolving the dispute or not) agreed to by the parties,

(*c*) the terms of the determination made by the adjudicator,

(*d*) in the case of a determination under *section 97(4)(a)*, a summary of the reasons for the determination, and

(*e*) relevant particulars in relation to the conduct of the adjudication (including particulars in relation to the number and duration of hearings held by the adjudicator, the persons who attended any such hearing and any documents submitted to the adjudicator).

(2) The adjudicator shall, after preparing a report under *subsection (1)*, furnish a copy of it to the Board.

(3) After the receipt by it of a report under *subsection (2)*, the Board shall serve on each of the parties a copy of the report and the following statement.

(4) That statement is one to the effect that the F240**[**Director**]** will follow the procedures under *section 121* (which concerns the making of determination orders) in relation to the determination of the adjudicator unless, in the case of a determination under *section 97(4)(a)*, an appeal is made under, and in accordance with, *section 100* against the determination and that appeal is not subsequently abandoned.

Annotations

Amendments:

F240 Substituted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. no. 5, S.I. No. 266 of 2018.

Appeal to Tribunal against adjudicator's determination.

100.—(1) One or more of the parties may appeal to the Tribunal against a determination of an adjudicator under *section 97(4)(a)*.

(2) Such an appeal shall be made within F241**[**10 working days**]** from the date the Board serves on the party the report and statement referred to in *section 99(3)*.

Annotations

Amendments:

F241 Substituted (17.01.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 43, S.I. No. 7 of 2017.

Provisions common to mediators and adjudicators.

101.—(1) In respect of a matter dealt with by him or her under this Chapter, the mediator or adjudicator shall—

(*a*) declare to the parties at the outset of dealing with the matter any potential conflict of interest of which he or she is aware or ought reasonably be aware,

(*b*) act at all times in accordance with the highest standards of the professional body, if any, of which he or she is a member,

(*c*) maintain the confidentiality of the proceedings concerned and shall not disclose any report prepared by him or her under *section 95(4)* or *99*, otherwise than in accordance with those sections.

(2) Where a declaration referred to in *subsection (1)(a)* is made to the parties then, unless the parties agree to the mediator or the adjudicator continuing to deal with the matter, the Board shall appoint another person from amongst the panel of mediators or adjudicators under *section 164(4)* to deal with the matter.

(3) References in this Part to the person appointed under *section 93(2)* or *(3)* or *section 94(a)* to conduct the mediation or adjudication concerned shall be construed as including references to the person appointed for that purpose pursuant to *subsection (2)*.

(4) Subject to any rules under *section 109*, the manner in which a mediation or adjudication is conducted shall be at the discretion of the mediator or adjudicator concerned but it shall be the duty of that person to ensure that the mediation or adjudication is conducted without undue formality.

Annotations

Amendments:

F242 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2016), s. 48, not commenced as of date of revision.

Modifications (not altering text):

C59 Prospective affecting provision: subs. (3) amended by *Residential Tenancies (Amendment) Act 2015* (42/2016), s. 48, not commenced as of date of revision.

(3) References in this Part to the person appointed under *section 93(2)* or *(3)* or F242**[***94(a)* or *94(aa)***]** to conduct the mediation or adjudication concerned shall be construed as including references to the person appointed for that purpose pursuant to *subsection (2)*.

CHAPTER 5

Tenancy Tribunal

Tenancy Tribunals and the "Tribunal".

102.—(1) From time to time as occasion requires the Board shall cause to be constituted, for the purposes of this Part, one or more tribunals which or each of which shall be known as a "Tenancy Tribunal".

(2) A reference in *section 103* or any other provision of this Act to the "Tribunal" is a reference to whichever of the tribunals constituted under this section the provision concerned falls to be applied.

Annotations

Editorial Notes:

E155 Tenancy Tribunals constituted under section deemed to have been validly constituted (28.01.2009) by *Residential Tenancies (Amendment) Act 2009* (2/2009), s. 2(1)(b), commenced on enactment.

Membership of Tribunal, etc.

103.—(1) The number of members of the Tribunal shall be 3.

(2) Each of the members of the Tribunal shall be a person who is, for the time being, a member of the Dispute Resolution Committee.

(3) The members of the Tribunal shall be appointed by the Board.

(4) One of the members of the Tribunal shall be the chairperson of the Tribunal; F243**[...]** the Board shall determine which of the members shall be the chairperson.

(5) F243**[...]**

(6) The Tribunal shall be independent in the performance of its functions.

(7) A decision of a majority of the members of the Tribunal suffices for any purpose.

Annotations

Amendments:

F243 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 49, S.I. No. 119 of 2016.

F244 Substituted by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 44(a), not commenced as of date of revision.

F245 Inserted by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 44(b), not commenced as of date of revision.

Modifications (not altering text):

C60 Prospective affecting provision: subs. (1) substituted and subss. (1A)-(1D) inserted by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 44, not commenced as of date of revision.

103.—F244**[**(1) Subject to *subsection (1A)*, the number of members of the Tribunal shall be 3.**]**

F245**[**(1A) (*a*) In respect of such matters as may be prescribed, the Tribunal shall, except where *subsection (1B)* applies, be composed of one member.

(*b*) Without prejudice to the generality of *paragraph (a)*, prescribed matters for the purposes of that paragraph may include any of the following matters:

(i) the retention or refund of a deposit;

(ii) the amount that ought to be initially set (in compliance with *section 19* or *19A*, as the case may be) as the amount of rent under a tenancy;

(iii) the time at which a review of rent referred to in *Part 3* should take place or the amount of rent that should be determined on foot of that review;

(iv) an alleged failure by the tenant to comply with any of the obligations applicable to the tenant, including those contained in any lease or tenancy agreement;

(v) an alleged failure by the landlord to comply with any of the obligations applicable to the landlord, including those contained in any lease or tenancy agreement;

(vi) a claim by a landlord for arrears of rent or other charges.

(*c*) There may be included in the same reference to a Tribunal to which this subsection relates disputes and, where appropriate, complaints, in respect of 2 or more matters prescribed for the purposes of this subsection.

(1B) (*a*) Where—

(i) a matter that consists of or includes a dispute is referred to the Tribunal, and that Tribunal is composed of one member, and

(ii) the Tribunal, at any stage, considers that in the particular circumstances it would be appropriate to adjourn the hearing by it of the matter and request the Board to refer the dispute or complaint to a Tribunal composed of 3 members,

then the Tribunal may so refer the matter to the Board accordingly.

(*b*) Where the Board is requested under *paragraph (a)* to refer a matter, that consists of or includes a dispute, to a Tribunal, it may refer the matter to a Tribunal composed of 3 members.

(1C) Where the Tribunal is composed of one member, then *subsections (4)* and *(7)* do not apply to that Tribunal.

(1D) Where, in the same reference to a Tribunal, there is included disputes or complaints, in respect of 2 or more matters, and one or more of those disputes or complaints is not prescribed for the purposes of this subsection, the Board shall refer the matter to a Tribunal composed of 3 members.**]**

CHAPTER 6

Dispute resolution by Tribunal

Determination of disputes by Tribunal: procedures generally.

104.—(1) This section and the other sections of this Chapter contain the principal provisions regarding the procedures to be adopted by the Tribunal in relation to the determination by it of a dispute, whether that dispute—

(*a*) has been referred to it by the Board under *section 94* (which provides for the direct reference of a matter without mediation or adjudication taking place in relation to it),

(*b*) has been referred to it by the Board under F246**[***section 96(2)***]** (which provides for the reference of a matter after mediation has not resulted in the matter being resolved), or

(*c*) is the subject of an appeal under *section 100* from a determination of an adjudicator of the matter.

(2) The Tribunal shall hold one or more hearings for the purposes of determining the dispute.

(3) The parties to the dispute shall be given by the Tribunal notice (to be of the duration specified in *subsection (5)*) of the holding of a hearing.

(4) The following information shall be included in such a notice—

(*a*) the date, time, venue and purpose of the hearing,

(*b*) an outline of the substance of the matters to be dealt with at the hearing,

(*c*) an outline of the procedures to be adopted at the hearing,

(*d*) a reference to the provisions of this Act and any rules made under it that are relevant to the holding of the hearing,

(*e*) a statement that the Tribunal will, unless substantial grounds arise for its deciding to do otherwise, proceed with the hearing at the date and time concerned notwithstanding that a party does not attend the hearing,

(*f*) a statement that the Tribunal will determine the dispute notwithstanding that a party does not take part in the proceedings before the Tribunal, and

(*g*) any other information the Tribunal considers appropriate.

(5) The duration of the notice under *subsection (3)* shall be—

(*a*) at least 21 days beginning on the date of the giving of the notice, or

(*b*) such lesser period as the Board may specify where—

(i) one or more of the parties requests the Board to specify such a period and the other party or parties consent to such F246**[**a specification,**]**

(ii) the dispute concerns alleged behaviour by the landlord or the tenant that poses an imminent danger of death or serious injury or imminent danger to the fabric of the dwelling concerned or the property containing F246**[**that dwelling, or**]**

F247**[**(iii) one or more of the parties requests the Board to specify such a period on the grounds of alleged financial or other hardship.**]**

(6) Each of the parties shall be entitled to and be given the opportunity to be heard at the hearing and to be represented and to present evidence and witnesses before the Tribunal.

(7) In the case of an appeal under *section 100*, the Tribunal may have regard to the report of the adjudicator.

Annotations

Amendments:

F246 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 50(a), (b)(i), (ii), S.I. No. 119 of 2016.

F247 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 50(b)(iii), S.I. No. 119 of 2016.

F248 Deleted by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 45, not commenced as of date of revision.

F249 Substituted by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 45, not commenced as of date of revision.

F250 Inserted by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 45, not commenced as of date of revision.

Modifications (not altering text):

C61 Prospective affecting provision: subs. (1)(b), (c) amended and (d) inserted by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 45, not commenced as of date of revision.

(*b*) has been referred to it by the Board under F246**[***section 96(2)***]** (which provides for the reference of a matter after mediation has not resulted in the matter being resolved), F248**[**...**]**

(*c*) is the subject of an appeal under *section 100* from a determination of an adjudicator of F249**[**the matter, or**]**

F250**[**(*d*) has been referred to it by the Board under *section 103(1B)*.**]**

Provisions in relation to evidence, summoning of witnesses, etc.

105.—(1) The Tribunal may require that the evidence of a witness before it be given on oath.

(2) Each witness of a party before the Tribunal (including the party as a witness) may be cross-examined by or on behalf of every other party.

(3) For the purposes of its functions under this Part, the Tribunal may—

(*a*) summon witnesses to attend before it,

(*b*) administer an oath, and

(*c*) require any person to produce to the Tribunal any document in his or her power or control.

(4) A witness before the Tribunal shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court.

(5) Any person who—

(*a*) on being duly summoned as a witness before the Tribunal and having had tendered to him or her the sum, if any, which has been directed under *subsection (6)(a)* to be paid in respect of the expenses of his or her attendance makes default in attending,

(*b*) being in attendance as a witness refuses to take an oath legally required by the Tribunal to be taken, or to produce any document in his or her power or control legally required by the Tribunal to be produced by him or her, or to answer any question to which the Tribunal may legally require an answer, or

(*c*) does any other thing which, if the Tribunal were a court having power to commit for contempt of court, would be contempt of such court,

is guilty of an offence.

(6) The Tribunal may, out of moneys at the disposal of the Board, direct that the whole or part of the reasonable expenses—

(*a*) that will be incurred by a person summoned to attend before it in so attending, or

(*b*) that have been incurred by a person summoned to attend before it in so attending,

shall, as it thinks appropriate, be paid to him or her before he or she so attends or, as the case may be, be re-imbursed to him or her.

Proceedings to be in public.

106.—(1) Proceedings before the Tribunal shall be conducted in public; this is without prejudice to an order that may be made under *subsection (2)*.

(2) In the particular circumstances of a case, if the Board considers it appropriate to do so, it may make an order directing that the identities of all or one or more of the parties to a dispute over which the Tribunal has jurisdiction shall not be disclosed.

(3) A person who contravenes an order under *subsection (2)* is guilty of an offence.

Annotations

Modifications (not altering text):

C62 Application of subs. (1) restricted () by *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), s. 16, in operation as per s. 1(3).

Proceedings before Tenancy Tribunal under Act of 2004

16. Subsection (1) of section 106 of the Act of 2004 shall not have effect during the period from 11 January 2021 to 12 April 2021.

Editorial Notes:

E156 Previous affecting provision: application of subs. (1) restricted to 10 January 2021 (1.08.2020) by *Residential Tenancies and Valuation Act 2020* (7/2020), s. 8, commenced on enactment; expired.

E157 Previous affecting provision: application of subs. (1) restricted for emergency period (27.03.2020 to 27.06.2020, extended to 20.07.2020 and to 1.08.2020) by *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), s. 7, commenced on enactment, extended by S.I. No. 224 of 2020 and S.I. No. 254 of 2020; expired.

Adjournments of hearing.

107.—The Tribunal may adjourn the hearing by it of a matter until a date specified by it.

Determination by Tribunal of dispute and notification to Board.

108.—(1) Unless it has sooner made a determination of the kind specified in *subsection (2)*, the Tribunal shall, on completion of its hearing in relation to the dispute, make its determination in relation to the dispute and notify the Board of that determination.

(2) The determination firstly mentioned in *subsection (1)* is a decision by the Tribunal not to deal with the dispute in accordance with *section 85*; such a determination shall be notified to the Board by the Tribunal.

CHAPTER 7

Supplementary procedural matters

Power of Board to make procedural rules.

109.—(1) The procedure to be followed under this Part in relation to a dispute shall, subject to this Part, be such as shall be determined by the Board by rules made by it with the consent of the Minister.

(2) Without prejudice to the generality of *subsection (1)*, rules under this section may—

(*a*) specify the forms to be used for referring a dispute to the Board under this Part,

(*b*) require specified notifications to be given in respect of the referral of a dispute to the Board under this Part,

(*c*) specify that a fee of specified amount shall be paid to the Board in respect of the Board's initially dealing with a dispute or the following of any other procedure under this Part in relation to it F251**[**...**]**,

(*d*) specify the period within which—

(i) a mediator or adjudicator must be appointed under *section 93(2)* or *(3)* or *section 94(a)* to deal with or determine a dispute referred to the Board,

(ii) a mediator or adjudicator must furnish his or her report under *section 95* or *99* to the Board,

(iii) F252**[**...**]**

(iv) the Board must serve the documents referred to in *section 99(3)* on each of the parties,

(v) a dispute must be referred under *section 94*, F253**[***96(2)***]** or *100* to the Tribunal,

(vi) F254**[**the Director must, from the date of receipt by the Board**]** of a determination of an adjudicator under *section 97(4)(a)* (contained in a report made to it under *section 99*), make a determination order on foot of that determination,

(vii) the Tribunal must, from the date of a dispute being referred to it, or a determination in relation to a dispute being appealed to it, arrange a hearing in relation to the dispute,

(viii) the Tribunal must, from the date of completion by it of a hearing or hearings in relation to a dispute, make its determination in relation to the dispute,

(ix) F254**[**the Director must, from the date of receipt by the Board**]** of a determination of the Tribunal under *section 108* make a determination order on foot of that determination, and

(x) the Board must make an application under *section 124* to enforce a determination order on being notified that that order is not being complied with.

(3) In the absence of a specification, by rules under this section, of the period within which a thing referred to in a provision of this Act specified in *subsection (2)(d)* must be done, the provision shall be construed as requiring the thing to be done as soon as practicable after the doing of the thing that immediately precedes it.

Annotations

Amendments:

F251 Deleted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 20, S.I. No. 236 of 2019.

F252 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 51(1)(c), S.I. No. 119 of 2016, subject to transitional provision in subs. (2).

F253 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 51(1)(d), S.I. No. 119 of 2016, subject to transitional provision in subs. (2).

F254 Substituted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. nos. 6, 7, S.I. No. 266 of 2018.

F255 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 51(1)(b), not commenced as of date of revision.

Modifications (not altering text):

C63 Prospective affecting provision: subs. (2)(d)(i) amended by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 51(1)(b), not commenced as of date of revision.

(i) a mediator or adjudicator must be appointed under *section 93(2)* or *(3)* or *section 94(a)* F255**[**or *94(aa)***]** to deal with or determine a dispute referred to the Board,

Editorial Notes:

E158 Previous affecting provision:subs. (2)(c) amended (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 51(1)(a), S.I. No. 119 of 2016, subject to transitional provision in subs. (2); amendment deleted as per F-note above.

Title to lands or property not to be drawn into question.

110.—The title to any lands or property shall not be drawn into question in any proceedings before a mediator, an adjudicator or the Tribunal under this Part.

Power to enter and inspect dwelling.

111.—(1) Subject to *subsection (3)*, a mediator, an adjudicator or a member of the Tribunal or the Board who is dealing with a dispute under this Part may, for the purposes of his or her functions under this Part, enter and inspect any dwelling to which the dispute relates.

(2) The powers under *subsection (1)* may be exercised in relation to a dwelling to which a dispute relates even though the dwelling is occupied by a person who takes no part in the proceedings concerned or initially takes part in them but subsequently withdraws from them.

(3) The powers under *subsection (1)* shall not, without the consent of that person, be exercised in relation to a dwelling occupied by a person referred to in *subsection (2)* unless, at least 24 hours before the date on which the person concerned intends to exercise those powers, he or she serves on the first-mentioned person a notice of that intention.

(4) A person mentioned in *subsection (1)* may authorise in writing a person who he or she is satisfied has an expertise in any area relevant to the dispute concerned (for example, engineering, valuation or surveying) to exercise the powers under that subsection in relation to the dwelling concerned; a person so authorised shall, if requested, produce to any person concerned his or her authorisation under this subsection before exercising the powers under *subsection (1)*.

(5) A person who obstructs or impedes a person mentioned in *subsection (1)*, or a person authorised under *subsection (4)*, in the exercise of his or her powers under this section is guilty of an offence.

Obligations of confidentiality.

112.—(1) A mediator or adjudicator shall not disclose to any person any statement or information of a confidential nature made or supplied to the mediator or adjudicator in connection with the performance of his or her functions under this Part unless one or more of the conditions specified in *subsection (2)* is complied with.

(2) The conditions referred to in *subsection (1)* are—

(*a*) the person who makes the statement or supplies the information consents to its disclosure,

(*b*) the mediator or adjudicator has reasonable grounds for believing that the disclosure is necessary to prevent or reduce the danger of injury to any person or damage to any property,

(*c*) the disclosure is for the purpose of proceedings for an offence under *section 113*,

(*d*) it would not be possible for the mediator or adjudicator to deal with or determine the dispute concerned without disclosing the statement or information.

(3) A statement or information is of a confidential nature for the purposes of *subsection (1)* if—

(*a*) it was expressed to be of such a nature by the maker or supplier of it to the mediator or adjudicator, or

(*b*) from the circumstances in which it was made or supplied to him or her or its subject matter, the mediator or adjudicator ought reasonably to have concluded that it was of such a nature.

(4) A person who contravenes *subsection (1)* is guilty of an offence.

Offence of providing false information to Board.

113.—A person is guilty of an offence if—

(*a*) he or she makes a statement or supplies information to an adjudicator, the Tribunal or the Board in connection with the performance by the adjudicator, Tribunal or Board of his or her or its functions under this Part in relation to a dispute,

(*b*) that statement or information is false or misleading in a material respect, and

(*c*) the person knows that that statement or information is so false or misleading.

Certain proceedings and acts privileged.

114.—(1) Any report or other document prepared, or communication made, by the Board, the Tribunal, a mediator or an adjudicator for the purposes of, or in connection with, proceedings under this Part dealt with by it or him or her shall, for the purposes of the law of defamation, enjoy absolute privilege.

(2) Any report or other document prepared, or communication made, by the Board, the Tribunal, a mediator or an adjudicator that does not fall within *subsection (1)* but which is prepared or made for the purposes of, or in connection with, the performance by it or him or her of functions under this or any other Part of this Act shall, for the purposes of the law of defamation, enjoy qualified privilege.

F256[Publication of certain statistics by Board

114A.—The Board shall publish statistics, including average waiting times and such other statistics as may be prescribed, in relation to the performance of its functions under *section 151(1)(a)* in respect of each successive period of 3 months in every calendar year.**]**

Annotations

Amendments:

F256 Inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 46, commenced as per s. 1(3)(b).

Editorial Notes:

E159 The section heading is taken from the amending section in the absence of one included in the amendment.

CHAPTER 8

Redress that may be granted under this Part

Redress that may be granted on foot of determination.

115.—(1) A power conferred by this Part on an adjudicator or the Tribunal to make a determination in relation to a dispute includes a power to make such declarations or give such directions as the adjudicator or the Tribunal thinks appropriate for the purpose of providing relief to one, or more than one as appropriate, of the parties.

(2) Without prejudice to the generality of *subsection (1)* and the subsequent provisions of this Chapter, one or more of the following declarations or directions, as appropriate, may be made or given in respect of a dispute—

(*a*) a direction that a specified amount of rent or other charge shall be paid on, or on and from, or by a specified date,

(*b*) a declaration as to whether or not an amount of rent set under a tenancy of a dwelling complies with F257**[**...**]** section 19 (and if the declaration is that that amount does not so comply, the declaration shall be accompanied by an indication by the adjudicator or the Tribunal as to what amount, in his or her or its opinion, would comply F258**[**with *section 19***]**,

(*c*) a direction as to the return or payment, in whole or in part, of the amount of a deposit,

(*d*) a direction that a specified amount of damages or costs or both be paid,

(*e*) a direction that a dwelling be quitted by a specified date,

(*f*) a declaration as to the validity or otherwise of a notice of termination of a tenancy,

(*g*) a declaration with regard to the right to return to, or continue in, occupation of a dwelling (and such a declaration may include provision to the effect that any period of interruption in possession that has occurred is to be disregarded for one or more purposes),

(*h*) a declaration that a term of a lease or tenancy agreement is void by reason of *section 184*,

(*i*) F259**[**...**]**

(3) The amount (or, as appropriate, the aggregate of the amounts), other than costs or expenses of whatsoever kind, that an adjudicator or the Tribunal may direct to be paid to a party in respect of the matter (or, as appropriate, all of the matters) the subject of a dispute referred to the Board for resolution shall not exceed—

(*a*) if the amount or amounts consist solely of damages — €20,000,

(*b*) if the amount or amounts consist solely of an amount or amounts by way of arrears of rent or other charges — €20,000 or an amount equal to twice the annual rent of the dwelling concerned, whichever is the higher (but subject to a maximum under this paragraph of €60,000),

(*c*) if the amount or amounts consist of both damages and an amount or amounts referred to in *paragraph (b)*—

(i) in so far as the amount or amounts consist of damages — €20,000,

(ii) in so far as the amount or amounts consist of such other amount or amounts — €20,000 or an amount equal to twice the annual rent of the dwelling concerned, whichever is the higher (but subject to a maximum under this subparagraph of €60,000).

F260**[**(4) Without prejudice to the generality of *subsection (3)*, an amount that is to be awarded in accordance with a direction relating to a failure to comply with *section 16(f)* or *16(g)* shall be included in the amount referred to in *subsection (3)(a)* or, as the case may be, *subsection (3)(c)(i)*.

(5) The amount of costs or expenses that may be awarded to a party shall not exceed €1,000.**]**

Annotations

Amendments:

F257 Deleted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 16(a), commenced on enactment.

F258 Substituted (9.07.2021) by *Residential Tenancies (No. 2) Act 2021* (17/2021), s. 16(b), commenced on enactment.

F259 Repealed (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 86(2)(a), S.I. No. 119 of 2016.

F260 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 52, S.I. No. 119 of 2016.

F261 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 52, not commenced as of date of revision.

Modifications (not altering text):

C64 Prospective affecting provision: subs. (6) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 52, not commenced as of date of revision.

F261**[**(6) For the purposes of a direction under *subsection (3)*, where a complaint under *section 76A* was made, the amount that is directed under *subsection (3)* to be paid to a party when that complaint and the original dispute referred to in *section 76A* have been determined concurrently, shall include the amount of rent that was directed to be paid in the interim direction referred to in *section 76B*.**]**

C65 Subs. (2)(b) applied with modifications (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(14), S.I. No. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. ...

(14) The provisions of the Act of 2004 specified in column (2) of the Table to this section at each reference number shall apply to cost rental tenancies as if the provisions of the Act of 2004 specified at the same reference number in column (3) of the Table were references to the provisions of this section specified at the same reference number in column (4) of the Table, subject, where relevant, to any proviso specified at the same reference number in column (5).

Table

Ref No. (1)	Section of Act of 2004 (2)	Provisions of Act of 2004 referenced (3)	Substituted provisions of this section (4)	Proviso (5)
4.	section 115(2)(b)	subsection (1) or (4) of section 19	subsection (2)	

Editorial Notes:

E160 Previous affecting provision: subss. (2)(b) substituted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 47, commenced as per s. 1(3)(b); substituted as per F-note above.

Determination may require sub-tenancy to be quitted in certain cases.

116.—If—

(*a*) the determination of an adjudicator or the Tribunal includes a direction that a dwelling, the subject of a tenancy, be quitted by a specified date,

(*b*) that tenancy is one out of which a sub-tenancy has been created, and

(*c*) the landlord, when he or she served a notice of termination on the tenant in respect of that tenancy, required the tenant to terminate that sub-tenancy,

then the determination may include a direction requiring the subtenant to quit the dwelling by a specified date.

Redress of an interim nature may be granted.

117.—(1) In addition to the powers conferred by this Part with respect to the determination of disputes, an adjudicator or the Tribunal, in dealing with a dispute, may give such directions as he or she or it thinks appropriate for the purpose of providing relief of an interim nature to one, or more than one as appropriate, of the parties.

(2) Such a direction shall indicate that the relief it provides for may not necessarily be the relief provided for by the final determination made in the matter.

(3) As soon as such a direction is given, the adjudicator or the Tribunal shall reduce it to writing and forward it immediately to the Board.

(4) This section is without prejudice to *section 189* and the power under *subsection (1)* may not be exercised in a manner which is inconsistent with or would derogate from any interim or interlocutory relief granted by the Circuit Court under that section.

Annotations

Amendments:

F262 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 53, not commenced as of date of revision.

Modifications (not altering text):

C66 Prospective affecting provision: subs. (5) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 53, not commenced as of date of revision.

F262**[**(5) Without prejudice to *subsection (1)*, in the case of a complaint referred to in *section 76A*, the adjudicator, or as the case may be the Tribunal, may, in dealing with the complaint, proceed to give such directions under this section as the adjudicator or Tribunal, considers appropriate for the purpose of providing relief of an interim nature (other than payment of arrears of rent) to the parties including a direction that pursuant to *section 86(1)(a)* —

(*a*) the tenant shall continue to pay the rent payable under the tenancy, or

(*b*) the sub-tenant shall continue to pay the rent payable under the sub-tenancy,

pending the determination of the original dispute referred to in *section 76A*.**]**

Discretion to refuse direction for possession.

118.—(1) If the inclusion of a direction in a determination that a party ("the first-mentioned person") be permitted to resume possession of a dwelling, the subject of a tenancy, would cause hardship or injustice to a person ("the second-mentioned person") not party to the dispute who is in possession of that dwelling, then the determination may, instead of including such a direction, include—

(*a*) a declaration that the first-mentioned person was wrongfully deprived of possession of the dwelling, and

(*b*) a direction that damages of a specified amount be paid by the landlord to that person in respect of that deprivation.

(2) In deciding whether the inclusion in a determination of a direction of the kind firstly mentioned in *subsection (1)* would cause hardship or injustice to the second-mentioned person, the matters to which regard shall be had shall include—

(*a*) the length of time the second-mentioned person has been in possession of the dwelling concerned,

(*b*) any involvement the second-mentioned person may have had in the first-mentioned person being deprived of possession of the dwelling, and

(*c*) any knowledge the second-mentioned person may have had, before he or she took possession of the dwelling, of the existence of a dispute concerning the right of the first-mentioned person to possession of the dwelling.

(3) The second-mentioned person shall be afforded an opportunity to make submissions with regard to whether a determination should include a direction of the kind firstly mentioned in *subsection (1)*; if necessary, for that purpose, the proceedings concerned shall be adjourned and the second-mentioned person notified of the matter.

Certain directions to be given in the case of arrears of rent.

119.—(1) Any amount of arrears stipulated to be paid by a determination shall be the gross amount of the rent and other charges (if any) concerned which the adjudicator or the Tribunal considers to be in arrears as reduced by—

(*a*) any relevant debts due, in the opinion of the adjudicator or the Tribunal, by the landlord to the tenant in accordance with section 48 of the Landlord and Tenant Law Amendment Act Ireland 1860,

(*b*) any set-off for expenditure on repairs the tenant would be entitled to make under section 87 of the Landlord and Tenant (Amendment) Act 1980,

(*c*) any compensation due by the landlord to the tenant in circumstances where section 61 of the Landlord and Tenant (Amendment) Act 1980 applies,

(*d*) any other amount which the adjudicator or the Tribunal considers warranted in the circumstances of the case,

and as increased by any amount that the adjudicator or the Tribunal, in all the circumstances of the matter, considers appropriate in respect of—

(i) F263**[**subject to *subsection (3)*, costs**]** reasonably incurred by the landlord in pursuit of the arrears of rent,

(ii) damages,

(iii) F264**[**...**]**

(2) A determination of an adjudicator or the Tribunal in respect of an amount referred to in *subsection (1)* shall, if any of *paragraphs (a)* to *(d)* or *paragraphs (i)* to *(iii)* of that subsection have had to be applied in calculating the amount, indicate how the amount was calculated by reason of the application of the paragraph or paragraphs concerned.

F265**[**(3) The costs awarded under *subsection (1)(i)* shall not exceed €1,000.**]**

Annotations

Amendments:

F263 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 54(a)(i), S.I. No. 119 of 2016.

F264 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 54(a)(ii), S.I. No. 119 of 2016.

F265 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 54(b), S.I. No. 119 of 2016.

Circumstances of landlord or tenant not to be taken account of in certain cases.

120.—(1) If the dispute being dealt with by a mediator, adjudicator or the Tribunal relates to the amount of the rent that ought to be set under a tenancy at a particular time or as to when a review of such rent ought to take place, the circumstances, financial or otherwise, of the landlord or tenant may not be taken into consideration—

(*a*) by the mediator in taking any of the steps mentioned in *section 95*, or

(*b*) by the adjudicator or the Tribunal in determining the dispute.

(2) The reference in *subsection (1)* to the setting of the rent under a tenancy shall be construed in accordance with *section 19(2)*.

Annotations

Modifications (not altering text):

C67 Subs. (2) applied with modifications (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(14), S.I. No. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. ...

(14) The provisions of the Act of 2004 specified in column (2) of the Table to this section at each reference number shall apply to cost rental tenancies as if the provisions of the Act of 2004 specified at the same reference number in column (3) of the Table were references to the provisions of this section specified at the same reference number in column (4) of the Table, subject, where relevant, to any proviso specified at the same reference number in column (5).

Table

Ref No. (1)	Section of Act of 2004 (2)	Provisions of Act of 2004 referenced (3)	Substituted provisions of this section (4)	Proviso (5)
...	...	...	...	
5.	section 120(2)	section 19(2)	subsection (3)	
...	...	...	...	

CHAPTER 9

Determination orders and enforcement generally

Determination orders.

121.—(1) Each of the following—

F266**[**(*a*) an agreement referred to in *section 96(1)*,**]**

(*b*) a determination mentioned in a report of an adjudicator under *section 99*,

(*c*) a determination of the Tribunal notified to the Board under *section 108*,

(*d*) a direction given by an adjudicator or the Tribunal under *section 82(5)* or *117*,

shall be the subject of a written record (in this Act referred to as a "determination order") prepared F267**[**by the Director and issued by him or her**]** to the parties concerned.

(2) A determination order shall contain the terms of the agreement, determination or direction concerned; those terms may be expressed in the order in a manner different from the manner in which they are expressed in the agreement, determination or direction if the F267**[**Director**]** considers it appropriate to do so for the purpose mentioned in *subsection (3)*.

(3) That purpose is to remove any ambiguity that the F267**[**Director**]** considers exists in the terms of the agreement, determination or direction or to clarify, generally, those terms in a manner that it considers will be of benefit to the parties or will facilitate compliance with the agreement, determination or direction.

(4) In considering whether it is appropriate to exercise the power under *subsection (2)* with respect to the terms of a particular agreement or determination referred to in *paragraph (a)* or *(b)* of *subsection (1)*, the F267**[**Director**]** shall have regard to—

F266**[**(*a*) in the case of such an agreement, the report furnished F267**[**to him or her**]** under *section 95(4),***]**

(*b*) in the case of such a determination, the relevant report of the adjudicator furnished F267**[**to him or her**]** under *section 99(2)*.

(5) In the case of doubt as to whether it is appropriate to exercise that power the Board may also consult with, as appropriate, the mediator, the adjudicator or the Tribunal and with the parties themselves.

F268**[**(5A) A document purporting to be a determination to which this section relates and to be signed by—

(*a*) the Director under this section, or

(*b*) a member of the staff of the Board, pursuant to the function of the Director under this section being delegated to the member under *section 161(2)*,

shall, unless the contrary is proved, be deemed to be a determination duly made and shall be received in any proceedings in any court without further proof of—

(i) the determination,

(ii) the signature of the Director or the person to whom *paragraph (b)* relates, as the case may be, or

(iii) where relevant, the delegation to which *paragraph (b)* relates.**]**

(6) F269**[**...**]**

(7) F270**[**...**]**

(8) The reference in *subsection (1)(b)* to a determination mentioned in a report of an adjudicator under *section 99* does not include a reference to such a determination against which an appeal has been made under, and in accordance with, *section 100* unless that appeal has been subsequently abandoned.

Annotations

Amendments:

F266 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 55(a), (b), S.I. No. 119 of 2016.

F267 Substituted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(1)(a)-(c), S.I. No. 266 of 2018.

F268 Inserted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(1)(d), S.I. No. 266 of 2018.

F269 Deleted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(1)(e), S.I. No. 266 of 2018.

F270 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 55(c), S.I. No. 119 of 2016.

Provision to ensure consistency between determinations.

122.—(1) If, on consideration of a determination of the Tribunal, the Board is of opinion that the determination is not consistent with previous determinations of the Tribunal in relation to disputes of a similar nature to the dispute concerned then the Board may exercise the powers under *subsection (2)*.

(2) Those powers are—

(*a*) to notify the members of the Tribunal who made the determination concerned of that opinion and request each of them to submit any views he or she has in relation to the matter to the Board,

(*b*) having had regard to the views, if any, submitted by those members to it, pursuant to that request, to notify the parties to the dispute concerned of that opinion and request each of them to indicate whether he or she consents to a fresh determination being made pursuant to *paragraph (c)* by the Tribunal in relation to the dispute or wishes to make representations to the Board in relation to the matter,

(*c*) if the parties consent to such a fresh determination being made or the Board, having had regard to the representations, if any, made to it by one or more of them pursuant to the request under *paragraph (b)*, considers it appropriate to direct the Tribunal to do so, to direct the Tribunal to make a fresh determination in relation to the dispute.

(3) The making of any such fresh determination shall be preceded by a re-hearing of the matter by the Tribunal and the provisions of *Chapters 5* to *7* shall apply accordingly.

(4) For the purposes of *subsection (1)*, one dispute is of a similar nature to another dispute if the issues involved in each of them are the same and the facts that gave rise to each of them, as appearing from any record kept by the Tribunal in relation to its proceedings or any other record available to the Board, are the same in all material respects.

Binding nature of determination orders.

123.—(1) A determination order embodying the terms of F271**[**an agreement referred to in *section 96(1)*]** or the determination of an adjudicator under *section 97* shall become binding on the parties concerned on the order being issued to them.

(2) A determination order embodying the terms of a determination of the Tribunal shall, on the expiry of the relevant period, become binding on the parties concerned unless, before that expiry, an appeal in relation to the determination is made under *subsection (3)*.

(3) Any of the parties concerned may appeal to the High Court, within the relevant period, from a determination of the Tribunal (as embodied in a determination order) on a point of law.

(4) The determination of the High Court on such an appeal F272**[**...**]** shall be final and conclusive.

(5) The High Court may, as a consequence of the determination it so makes, F273**[**direct the Director**]** to cancel the determination order concerned or to vary it in such manner as the Court specifies and F273**[**the Director shall cancel**]** or vary the order accordingly; if the cancellation or variation directed to be made relates to a determination of the Tribunal not to deal with the dispute in accordance with *section 85*, the Board shall, in addition, refer all or part, as appropriate, of the dispute to the Tribunal for determination by the Tribunal and the provisions of this Part shall, with any necessary modifications, apply to that determination.

(6) References in *section 124* to a determination order shall, where that order embodies the terms of a determination of the Tribunal, be construed as references to—

(*a*) such an order as respects which an appeal against the determination embodied in it has not been made under this section within the relevant period or, if such appeal has been brought, it has been abandoned, or

(*b*) if such an appeal has been brought (and the result of the appeal does not require the F273**[**Director**]** to cancel the order under *subsection (5)*), as the case may be—

(i) such an order in the terms as it was originally made, or

(ii) such an order in the terms as it stands following the variation of it by the F273**[**Director**]** under *subsection (5)*.

(7) The Board F274**[**shall**]** publish, in such manner as it thinks fit—

(*a*) a determination order F273**[**issued by the Director**]** (including such an order as it stands varied by it under *subsection (5)*),

(*b*) notice of the cancellation of such an order under *subsection (5)* or *section 125*.

(8) In this section "relevant period" means the period of 21 days beginning on the date that the determination order concerned is issued to the parties.

Annotations

Amendments:

F271 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 56(a), S.I. No. 119 of 2016.

F272 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 56(b), S.I. No. 119 of 2016.

F273 Substituted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. nos. 8-11, S.I. No. 266 of 2018.

F274 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 21, S.I. No. 236 of 2019.

Enforcement of determination orders.

124.—(1) If the Board or a party mentioned in a determination order is satisfied that another party has failed to comply with one or more terms of that order, the Board or the first-mentioned party may make an application under this section to the F275**[**District Court**]** for an order under *subsection (2)*.

(2) On such an application and subject to *section 125*, the F275**[**District Court**]** shall make an order directing the party concerned (the "respondent") to comply with the term or terms concerned if it is satisfied that the respondent has failed to comply with that term or those terms, unless—

(*a*) it considers there are substantial reasons (related to one or more of the matters mentioned in *subsection (3)*) for not making an order under this subsection, or

(*b*) the respondent shows to the satisfaction of the court that one of the matters specified in *subsection (3)* applies in relation to the determination order.

(3) The matters mentioned in *subsection (2)* are—

(*a*) a requirement of procedural fairness was not complied with in the relevant proceedings under this Part,

(*b*) a material consideration was not taken account of in those proceedings or account was taken in those proceedings of a consideration that was not material,

(*c*) a manifestly erroneous decision in relation to a legal issue was made in those proceedings,

(*d*) the determination made by the adjudicator or the Tribunal, as the case may be, on the evidence before the adjudicator or Tribunal, was manifestly erroneous.

(4) If, on the hearing of an application under this section, it appears by credible testimony that there is reason to believe the respondent will be unable to pay the costs of the applicant of so much of the hearing as relates to the determination of whether any of the matters specified in *subsection (3)* have been established by the respondent (in the event that none of them is established) the court may require sufficient security to be given for those costs.

(5) If the determination order, the subject of an application under this section, is one requiring a dwelling to be vacated and—

(*a*) the basis for that requirement is that the tenancy concerned was validly terminated by service of a notice of termination, and

(*b*) that notice was served by reason of the tenant's failure to pay an amount of rent due,

the court may, before hearing any arguments or receiving any evidence in relation to whether any of the matters specified in *subsection (3)* have been established, require the respondent to lodge in court or pay to the applicant, as it thinks appropriate, that amount of rent together with such amount as it specifies in respect of the dwelling's continued occupation by the respondent after the service of that notice.

(6) If the applicant under this section is not the Board, the respondent shall give notice to the Board that he or she proposes to oppose the application and the Board shall be entitled to appear and be heard at the hearing of the application.

(7) The court may make such ancillary or other orders F276**[**, including an order for possession of a dwelling the subject of a determination order,**]** as it considers just on the hearing of an application under this section.

(8) The Board may furnish to the registrar of the court such information derived from the register as, in its opinion, is likely to assist in the execution of an order made by the court under *subsection (2)* (including, if the court gives a direction authorising the Board to give that number to the registrar, the personal public service number of any party concerned).

(9) An application under this section to the F275**[**District Court**]** shall be made to the judge of the F275**[**District Court**]** for the F275**[**District Court district**]** in which the tenancy or dwelling concerned is or was situated.

F277**[**(10) The monetary limit for the time being standing specified of the jurisdiction of the District Court shall not apply in respect of proceedings brought or heard, as the case may be, in the District Court under this section on or after the commencement of section 57 of the Residential Tenancies (Amendment) Act 2015 and, the monetary limit which shall apply in respect of those proceedings, shall be the monetary limit for the time being standing specified of the jurisdiction of the Circuit Court.**]**

Annotations

Amendments:

F275 Substituted (25.02.2018) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 57(a), (c), S.I. No. 37 of 2018, subject to transitional provisions in subss. (2)-(4).

F276 Inserted (19.12.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 49, S.I. No. 590 of 2017.

F277 Inserted (25.02.2018) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 57(d), S.I. No. 37 of 2018, subject to transitional provisions in subss. (2)-(4).

F278 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 57(b), not commenced as of date of revision, subject to transitional provisions in subss. (2)-(4).

Modifications (not altering text):

C68 Prospective affecting provision: subss. (7A), (7B) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 57(1)(b), not commenced as of date of revision, subject to transitional provisions in subss. (2)-(4).

124.— ...

F278**[**(7A) Without prejudice to the generality of *subsection (2)*, where the determination order that is the subject of an application under this section includes provision for the return of a deposit pursuant to *section 148B(b)* and the Board has paid the deposit in accordance with *section 148B(b)*, the court shall have regard to that payment when making an order under this section including an ancillary or other order referred to in *subsection (7)*.

(7B) Without prejudice to the generality of *subsection (2)*, where the determination order that is the subject of an application under this section includes provision for the return of a deposit pursuant to *section 148B(b)* and the Board has not, before the application under this section, paid the deposit in accordance with *section 148B(b)*, the court shall have regard to such provision for the return of a deposit when making an order under this section including an ancillary or other order referred to in *subsection (7)*.**]**

Cancellation of determination order in cases of nonappearance.

125.—(1) A person who establishes to the satisfaction of—

(*a*) the Board, or

(*b*) if the determination order is the subject of an application under *section 124*, the F279**[**District Court**]**, on the hearing of that application,

that, in relation to a determination order embodying the terms of a determination of the Tribunal or an adjudicator, there are good and substantial reasons for his or her having failed to appear at the relevant hearing conducted by the Tribunal or the adjudicator, the Board or the F279**[**District Court**]** may, subject to *subsection (3)*, exercise the powers referred to in *subsection (2)*.

(2) The powers mentioned in *subsection (1)* are to F280**[**direct the Director to**]** cancel the determination order and direct that a fresh determination of the matter shall be made by the adjudicator or the Tribunal as appropriate (and the making of any such fresh determination shall be preceded by a re-hearing of the matter by the adjudicator or the Tribunal and the provisions of *Chapters 4* to *7* shall apply accordingly).

(3) The Board or the F279**[**District Court**]**, as the case may be, may direct that that cancellation shall not have effect unless specified conditions are, within a specified period, complied with by the person referred to in *subsection (1)* (being conditions analogous to the terms the High Court may impose under the Rules of the Superior Courts (S.I. No. 15 of 1986) for setting aside a judgment obtained in circumstances where one of the parties did not appear at the trial concerned).

(4) Without prejudice to *subsection (3)*, if it is sought to oppose an application under *section 124* on the grounds that the determination order ought to be cancelled under this section, *subsections (4)* and *(5)* of *section 124* shall apply as if references to the determination of, or evidence in relation to, whether any of the matters specified in *subsection (3)* of that section have been established include references to the determination of, or evidence in relation to, the issue as to whether the grounds for the court's exercising its powers under this section have been established.

(5) The Board, before deciding whether to exercise the powers under this section, shall afford the other party or parties concerned an opportunity to be heard.

(6) The reference in *subsection (3)* to the Rules of the Superior Courts is a reference to those Rules as amended for the time being; if those Rules should be revoked then the reference to them in that subsection shall be read as a reference to such rules corresponding to those Rules as may be for the time being in force.

Annotations

Amendments:

F279 Substituted (25.02.2018) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 58, S.I. No. 37 of 2018, subject to transitional provision in subs. (2).

F280 Inserted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. no. 12, S.I. No. 266 of 2018.

F281[Cancellation of return of deposit in cases of failure to provide statement of agreement or disagreement

125A.— ...]

Annotations

Amendments:

F281 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 59, not commenced as of date of revision.

Modifications (not altering text):

C69 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 59, not commenced as of date of revision.

F281[**125A.**—(1) A person who establishes to the satisfaction of the Board that, in relation to the return, under *section 148L(1)*, of a deposit (or an amount of the deposit), that there are good and substantial reasons for his or her having failed to comply with *section 148F(2)* and *148I(3)*, the Board may, subject to *subsection (3)*, exercise the powers referred to in *subsection (2)*.

(2) The powers mentioned in *subsection (1)* are—

(*a*) to cancel the return of the deposit,

(*b*) to direct that the return of the deposit be the subject of a dispute to be referred to the Board under *paragraph (ab)* of *section 78(1)*, and

(*c*) to direct the party to whom the deposit was returned under *section 148L*, to return the deposit (or a specified amount of the deposit) to the Board.

(3) The Board may direct that—

(*a*) the cancellation of the return of the deposit under *section 148L* shall not have effect unless specified conditions are, within a specified period, complied with by the person referred to in *subsection (1)*, and

(*b*) the return of the deposit be subject to specified conditions, including, where appropriate, a condition referred to in *paragraph (a)*.

(4) The reference to conditions in *subsection (3)* means conditions analogous to the terms the High Court may impose under the Rules of the Superior Courts for setting aside a judgment obtained in circumstances where one of the parties did not appear at the trial concerned.

(5) The reference in *subsection (4)* to the Rules of the Superior Courts shall be construed in accordance with *subsection (6)* of *section 125*.

(6) The Board, before deciding whether to exercise the powers under this section, shall afford the party to whom the deposit was returned under *section 148L* an opportunity to be heard.]

Offence for failure to comply with determination order.

126.—F282**[...]**

Annotations

Amendments:

F282 Repealed (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 86(2)(b), S.I. No. 119 of 2016.

PART 7

REGISTRATION OF TENANCIES

CHAPTER 1

Private residential tenancies register

Establishment of register.

127.—(1) The Board shall, as soon as practicable after the establishment day, establish and maintain a register which shall be known as the "private residential tenancies register" and is in this Act referred to as the "register".

(2) There shall be registered in the register each tenancy of a dwelling in the State the subject of an application for registration made under, and in accordance with, this Part.

(3) F283**[**Subject to *subsection (3A)*, the form**]** of the register, the types of information to be contained in it, the format of any aspect of that information and any other matters relevant to the maintenance of the register shall be such as the Board determines from time to time.

F284**[**(3A) The register shall contain—

(*a*) the number assigned under *section 135(3)* in respect of the tenancy of the dwelling,

(*b*) the local electoral area (within the meaning of section 2 of the Local Government Act 2001) in which the dwelling concerned is situate, and

(*c*) the particulars referred to in respect of the dwelling in *paragraphs (i), (j)* and *(k)* (other than particulars of any taxes or other charges required to be paid by the tenant) of *section 136(1)*.**]**

(4) Save under and in accordance with this Act and subject to *subsection (5)*, no information contained in the register shall be disclosed to any person.

(5) *Subsection (4)* does not apply to a disclosure of information contained in the register by—

(*a*) a member of the Board,

(*b*) a member of a committee of the Board,

(*c*) a member of staff of the Board,

(*d*) a mediator or adjudicator, or

(*e*) a person whose services are provided to the Board under *section 167*,

in the performance of any of his or her functions under this Act, being a disclosure the making of which is necessary for the performance by him or her of any such function.

Annotations

Amendments:

F283 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 16(a), S.I. No. 67 of 2026.

F284 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 16(b), S.I. No. 67 of 2026.

Modifications (not altering text):

C70 Register renamed "residential tenancies register" and references construed (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 14, S.I. No. 151 of 2016.

Change of name of register

14. (1) The register established and maintained under section 127(1) of the Principal Act shall, on and from the commencement of this section, be re-named the "residential tenancies register".

(2) In any enactment or any instrument under an enactment references to the private residential tenancies register shall be construed as references to the residential tenancies register.

Published register.

128.—(1) The Board shall, as soon as practicable after the establishment of the register, prepare a document (in this Act referred to as the "published register").

(2) Subject to F285**[***subsections (3), (4)* and *(4A)***]**, the published register shall consist of an extract of the information contained in the register.

(3) The extent of that extract shall be such as the Board determines is likely to make the published register useful to members of the public.

F285**[**(4) The published register shall not contain any information, as respects a particular dwelling, that discloses or could reasonably lead to the disclosure of the identity of the landlord or the tenant or tenants of the dwelling.**]**

F286**[**(4A) The published register shall contain the information specified in *section 127(3A)*.**]**

(5) The form of the published register, the format of any aspect of the information contained in it and any other matters relevant to its maintenance shall be such as the Board determines from time to time.

Annotations

Amendments:

F285 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 17(a), (b), S.I. No. 67 of 2026.

F286 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 17(c), S.I. No. 67 of 2026.

Inspection of published register.

129.—(1) The published register shall be kept at an office that is designated, for the time being, by the Board for that purpose.

(2) The published register shall be made available for inspection, at all reasonable times, at that office and by such other means, if any, as the Board may determine.

(3) A fee of such amount as the Board determines to be reasonable may be charged in respect of the inspection of the published register.

Register and published register may be kept in electronic form.

130.—The register and the published register may each be prepared and maintained otherwise than in a legible form but only if that form allows the particular register to be converted into a legible form and any entry in it to be copied or reproduced in a legible form.

Publication of aggregated details derived from register.

131.—(1) Without prejudice to *section 128*, the Board may publish details concerning the F287**[**...**]** rented sector derived from the register, being details of an aggregated nature.

(2) In this section—

"details of an aggregated nature" means details of such a nature as could not reasonably lead to a disclosure of the kind mentioned in *section 128(4)* occurring;

"F288**[**rented sector**]**" has the same meaning as it has in *section 151*.

Annotations

Amendments:

F287 Deleted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(4)(a)(i), S.I. No. 151 of 2016.

F288 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(4)(a)(ii), S.I. No. 151 of 2016.

Furnishing of entries in registers, etc.

132.—(1) On application by the landlord or tenant of a dwelling, the Board shall, on being supplied by the landlord or tenant with such information as it may require for the purpose of confirming the identity of the applicant concerned, provide to him or her a copy of the entry in respect of that dwelling in the register.

F289**[**(1A) On application by the tenant of a dwelling, the Board shall, on being supplied by the tenant with such information as it may require for the purpose of confirming the identity of the applicant concerned and a notice of termination served on that tenant by a landlord, provide to the tenant confirmation as to whether, on the date that the landlord of that dwelling served the notice of termination, the register recorded that the landlord was not a company and was a landlord under not more than 3 tenancies of dwellings.**]**

(2) On application by a person who is not the landlord or tenant of a particular dwelling, the Board shall provide to him or her a copy of the entry in respect of that dwelling in the published register (but not the entry in the register).

(3) A fee of such amount as the Board determines to be reasonable may be charged in respect of the provision of a copy of an entry under *subsection (1)* or *(2)* F289**[**or the confirmation referred to in *subsection (1A)***]**.

(4) A copy of an entry in the register or the published register F290**[**, or a copy of a confirmation referred to in *subsection (1A)*,**]** purporting to be certified by an officer of the Board as being a true copy of that entry F290**[**or confirmation**]** shall, without proof of that person's authority to so certify the copy, of any signature of the person appearing on the copy or that he or she is or was an officer of the Board, be received in evidence in any proceedings and shall be presumed to be such a copy unless the contrary is shown.

(5) Evidence that any particular matter in respect of a dwelling stood registered in the register on a particular date may be given by the production of a copy of the entry in respect of that dwelling under *subsection (4)* and which copy bears that date beside, or as part of, the certification mentioned in that subsection.

Annotations

Amendments:

F289 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 18(a), (b), S.I. No. 67 of 2026.

F290 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 18(c)(i), (ii), S.I. No. 67 of 2026.

Confirmation to parties to tenancy as to particulars specified in an application under *section 134*.

133.—(1) Either party to a tenancy of a dwelling may request the Board to confirm to him or her what are the particulars specified in an application made under *section 134* to register the tenancy.

(2) The Board shall comply with such a request if it is satisfied, having been supplied by the person making the request with such information as it may require, that the person is a party to the tenancy.

CHAPTER 2

Procedure for registration

Obligation to apply to register tenancy.

134.—F291**[**(1) The landlord of a dwelling shall apply to the Board in accordance with this Part to register the tenancy of the dwelling—

(*a*) on the commencement of the tenancy, and

(*b*) annually during the tenancy.**]**

(2) F292**[**Subject to *subsection (2A)*, an application**]** under F293**[***paragraph (a)* of *subsection (1)***]** shall be made—

(*a*) in the case of a tenancy F294**[**(other than a tenancy to which *paragraph (aa)* applies)**]** that commences on a date that falls 3 or more months from the commencement of this Part — within 1 month from the commencement of the tenancy,

F294**[**(*aa*) in the case of a tenancy to which *subsection (1A)* of *section 3* applies that commences during the period of 3 months from the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019, not later than 4 months from the commencement of the tenancy, and**]**

(*b*) in the case of a tenancy that has commenced on a date falling before or after the commencement of this Part (other than one to which *paragraph (a)* applies but including one that commenced before the passing of this Act F294**[**and one to which *subsection (1A)* of *section 3* applies that commences after the period of 3 months from the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019**]**)—

(i) in case it commenced before the passing of this Act — within 3 months from the commencement of this Part,

(ii) in any other case — within whichever of the following periods expires the later—

(I) the period of 3 months from the commencement of this Part, or

(II) the period of 1 month from the commencement of the tenancy.

F295**[**(2A) Where an application under F296**[***paragraph (a)* of *subsection (1)***]** is made in respect of a tenancy and the dwelling that is the subject of that tenancy is a dwelling referred to in *section 3(4)*, an application under F296**[***paragraph (a)* of *subsection (1)***]** in respect of such tenancy shall be made—

(*a*) where the tenancy has commenced before the day on which *section 3(4)* comes into operation, within 12 months from the day on which *section 3(4)* comes into operation,

(*b*) where the tenancy commences within the period of 12 months from the day on which *section 3(4)* comes into operation—

(i) within 12 months from the day on which *section 3(4)* comes into operation, or

(ii) within 1 month from the commencement of the tenancy,

whichever is the later, or

(*c*) where the tenancy commences on a day that falls 12 or more months from the day on which *section 3(4)* comes into operation, within 1 month from the commencement of the tenancy.**]**

F297**[**(2B) An application under *subsection (1)(b)* shall be made within 1 month from each anniversary of the date of the commencement of the tenancy.

(2C) A landlord shall comply with *subsection (1)* in respect of a tenancy that commenced before, on or after the commencement of section 22 of the Residential Tenancies (Amendment) Act 2019.**]**

F292**[**(3) An application under this section shall—

(*a*) be in the prescribed form,

(*b*) subject to F298**[***subsections (3B)* and *(4)***]** and *(7)*, be accompanied by—

(i) subject to *subparagraph (ii)*, the fee referred to in F299**[***section 137(1)***]**, or

(ii) in the case of a tenancy referred to in *subsection (2A)*, the fee specified in F299**[***section 137A(1)***]**,

and

(*c*) where a fee referred to in *section 176(3)(ba)* is required to be paid, be accompanied by that fee.**]**

F300**[**(3B) A fee shall not be payable in respect of an application to register a further *Part 4* tenancy in accordance with *paragraph (b)* of *subsection (1)* (inserted by paragraph (a) of subsection (1) of section 22 of the Residential Tenancies (Amendment) Act 2019) of *section 134* if—

(*a*) an application to register the tenancy was made in accordance with *Part 7* before the commencement of paragraph (a) of section 23 of the Residential Tenancies (Amendment) Act 2019, and

(*b*) the fee in respect of that application is paid not later than one month after such commencement.**]**

(4) The foregoing F292**[**requirements**]** with respect to the application being accompanied by a fee F292**[**do**]** not apply in relation to an application (the "relevant application") by a person (the "applicant") in respect of a particular dwelling (the "relevant dwelling") if the application is made within the period specified in F299**[***paragraph (a)*, *(aa)* or *(b)* of *subsection (2)*, *paragraph (a)*, *(b)* or *(c)* of *subsection (2A)* or *subsection (2B)***]** and one of the following conditions is satisfied.

(5) Those conditions are that, in the 12 months preceding the relevant application—

F299**[**(*a*) an application, if made pursuant to *subsection (2)* or *(2B)* accompanied by the fee specified in *section 137(1)*, or, if made pursuant to *subsection (2A)* or *(2B)* accompanied by the fee specified in *section 137A(1)*, has been made by the applicant in respect of the relevant dwelling within the period specified in *paragraph (a)*, *(aa)* or *(b)* of *subsection (2)*, *paragraph (a)*, *(b)* or *(c)* of *subsection (2A)*, or *subsection (2B)*,**]**

F292**[**(*b*) the applicant has paid—

(i) in respect of several applications falling within *section 137(3)*, the single fee referred to in *section 137(2)* and the dwellings to which those several applications related included the relevant dwelling, or

(ii) in respect of several applications falling within *section 137A(3)*, the single fee referred to in *section 137A(2)* and the dwellings to which those several applications related included the relevant dwelling,**]**

(*c*) an application, under the Housing (Registration of Rented Houses) Regulations 1996 and accompanied by the fee specified in those Regulations, to register a tenancy in respect of the relevant dwelling has been made by the applicant.

(6) An application under this section may not relate to more than one tenancy of a dwelling; accordingly separate applications under this section are required for separate tenancies.

Annotations

Amendments:

F291 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 22(1)(a), S.I. No. 167 of 2022, subject to transitional provision in subs. (2)(a).

F292 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 16(a), (c), (e), (f)(iii), S.I. No. 151 of 2016.

F293 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 22(1)(b)(i), S.I. No. 167 of 2022, subject to transitional provision in subs. 2(b).

F294 Inserted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 22(1)(b)(ii)-(iv), S.I. No. 354 of 2019, subject to transitional provision in subs. (2)(b).

F295 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 16(b), S.I. No. 151 of 2016.

F296 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 22(1)(c), S.I. No. 167 of 2022.

F297 Inserted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 22(1)(d), S.I. No. 167 of 2022.

F298 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 7(1)(a), S.I. No. 165 of 2022.

F299 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 22(1)(e)-(g), S.I. No. 167 of 2022. Note amendment made by para. (e)(i) superseded (4.04.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 7(1)(a), S.I. No. 165 of 2022.

F300 Inserted (4.04.2022) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 7(1)(b), S.I. No. 165 of 2022.

F301 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 16(d), not commenced as of date of revision.

Modifications (not altering text):

C71 Prospective affecting provision: subs. (3A) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 16(d), not commenced as of date of revision.

F301**[**(3A) Where a deposit referred to in *section 12(1)(d)*—

(*a*) has been paid to the landlord, the application under this section shall, pursuant to *section 135A(1)*, be accompanied by the deposit, or

(*b*) has not been paid to the landlord and a statement referred to in *section 135A(2)* is, pursuant to that section, required to be furnished to the Board, the application under this section shall be accompanied by that statement.**]**

...

Editorial Notes:

E161 Power pursuant to section exercised (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), in operation as per reg. 2.

E162 Previous affecting provision: subs. (5)(a) amended (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 16(f)(i), (ii), S.I. No. 151 of 2016; subsection substituted as per F-note above.

E163 Forms prescribed for purposes of subss. (2A) and (3) (6.04.2016) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2016* (S.I. No. 150 of 2016).

E164 Previous affecting provision: subs. (7) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 16(g), not commenced; paragraph (g) repealed (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(a), S.I. No. 236 of 2019.

E165 Previous affecting provision: form for purposes of subs. (3) prescribed (18.06.2015) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2015* (S.I. No. 257 of 2015); revoked (6.04.2016) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2016* (S.I. No. 151 of 2016), reg. 3.

E166 Previous affecting provision: form for purposes of subs. (3) prescribed (18.06.2015) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2012* (S.I. No. 162 of 2012); revoked (18.06.2015) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2015* (S.I. No. 257 of 2015), reg. 3.

Section 134: supplemental provisions.

135.—(1) F302**[**...**]**

(2) F303**[**...**]**

(3) The Board shall assign a unique number to each application made under *section 134* to register a tenancy and that number shall be used by the Board as the reference number for the tenancy when it is registered.

F304**[**(4) An acknowledgement, in the prescribed form, shall be given to the applicant under *section 134* and to the tenant and shall—

(*a*) acknowledge the receipt by the Board of the application under *section 134*,

(*b*) acknowledge the receipt by the Board of a fee referred to in *subsection (3)* of that section,

(*c*) ...

(*d*) specify the reference number, referred to in *subsection (3)*, assigned by the Board in respect of the tenancy concerned, and

(*e*) include a statement setting out—

(i) a summary of the rights and obligations of tenants and landlords under this Act and without prejudice to the generality of the foregoing, the statement shall set out a summary of the rights and obligations of tenants and landlords in relation to—

(I) the setting of rent under *section 19*, a review of rent under *section 20* and the notification of a new rent under *section 22*,

F305**[**(IA) the obligation on the landlord to pay fees to the Board on an application to register a tenancy at its commencement and annually during the tenancy,**]**

F306**[**(II) security of tenure under *Part 4* (other than in the case of a tenancy referred to in *subsection (1A)* of *section 3*),**]**

F306**[**(III) the termination of tenancies (other than tenancies referred to in *subsection (1A)* of *section 3*) under *Part 4*, and**]**

F307**[**(IV) the termination of tenancies under *Part 5*,**]**

(ii) the matters which may be referred to the Board for resolution under *Part 6* and without prejudice to the generality of the foregoing the statement shall specify that—

(I) a complaint may be referred to the Board under *section 78(1)(b)* in respect of the amount of rent that ought to be initially set in compliance with *section 19*, and

(II) a complaint may be referred to the Board under *section 78(1)(c)* in respect of the amount of rent determined on foot of a review of rent,

(iii) the redress that may be granted by the Board and without prejudice to the generality of the foregoing the statement shall specify the maximum amount of damages that may be paid to a party to a dispute pursuant to *section 115(3)*, and

(iv) the function of the Board, referred to in *section 147A*, to disclose to the Revenue Commissioners information contained in the register referred to in that section.**]**

F308**[**(5) Where an application, other than an application referred to in *subsection (6)*, under *section 134* is received by the Board and the application is—

(*a*) incomplete, or

(*b*) not accompanied by—

(i) the fee referred to in *section 134(3)(b)(i)* or as the case may be *section 134(3)(b)(ii)*, or

(ii) the fee referred to in *section 134(3)(c)*, where that fee is required to be paid,

the Board shall notify the applicant of the omission concerned and specify a date by which the application is to be completed or the fee is to be paid.**]**

F309**[**(6) Where—

(*a*) an application under *section 134* received by the Board is incomplete, and

(*b*) the Board, having regard to—

(i) the information provided with that application, and

(ii) the information required to be contained in the register pursuant to *section 127(3)*,

is satisfied that the information provided with the application, is sufficient to effect the registration of the tenancy concerned,

the Board, having regard to the proper discharge by it of its functions under this Act and where in its opinion it is appropriate, may, subject to *subsection (7)*, treat the application as complete for the purposes of this Part and register the tenancy concerned.**]**

F310**[**(7) ...**]**

F309**[**(8) Where an application referred to in *subsection (6)* is received by the Board before the coming into operation of *subsection (6)*, and has not been determined before such coming into operation, *subsection (6)* shall apply to such application.**]**

Annotations

Amendments:

F302 Deleted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 23(a), S.I. No. 167 of 2022.

F303 Deleted (15.07.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100(4)(a), commenced on enactment.

F304 Substituted (9.05.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 60(b), S.I. No. 216 of 2016.

F305 Inserted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 23(b)(i), S.I. No. 167 of 2022.

F306 Substituted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 23(b)(ii), (iii), S.I. No. 354 of 2019.

F307 Inserted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 23(b)(iii), S.I. No. 354 of 2019.

F308 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 60(d), S.I. No. 119 of 2016.

F309 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 60(e), S.I. No. 119 of 2016.

F310 Inserted by *Residential Tenancies (Amendment) Act 2015* 42/2015), s. 60(e), not commenced as of date of revision.

F311 Inserted by *Residential Tenancies (Amendment) Act 2015* 42/2015), s. 60(a), not commenced as of date of revision.

F312 Substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 60(b), not commenced as of date of revision.

F313 Inserted by *Residential Tenancies (Amendment) Act 2015* 42/2015), s. 60(c), not commenced as of date of revision.

Modifications (not altering text):

C72 Prospective affecting provision: subs. (1A) inserted, subs. (4)(c) substituted, subss. (4A), (4B) and (4C) inserted and subs. (7) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 60(a), (b), (c) and (e), not commenced as of date of revision.

F311**[**(1A) Where—

(*a*) a further *Part 4* tenancy comes into being, and

(*b*) pursuant to *subsection (1)(c)*, such further *Part 4* tenancy is required to be registered,

the requirement under *section 134(3A)* that such registration be accompanied by the deposit referred to in *section 135A* or the notice referred to in *section 135A(2)* shall be satisfied if—

(i) the deposit that, in accordance with *section 134(3A)*, accompanied the registration of the tenancy under *section 134*, has not been returned to either or both parties and remains in the designated tenancy deposit account,

(ii) the deposit that, in accordance with *section 148P*, was transmitted to the Board, has not been returned to either or both parties and remains in the designated tenancy deposit account,

(iii) a notice referred to in *section 135A* accompanied, in accordance with *section 134(3A)*, the registration of the tenancy under *section 134*, and subsequent to the furnishing of that notice to the Board, the tenant has not paid a deposit referred to in *section 12(1)(d)* to the landlord, or

(iv) a notice referred to in *section 148P(2)* was sent to the Board and subsequent to the furnishing of that notice to the Board the tenant has not paid a deposit referred to in *section 12(1)(d)* to the landlord.**]**

...

(4) ...

F312**[**(*c*) acknowledge the receipt by the Board of a deposit referred to in section 135A and the amount of that deposit, or a notice referred to in section 135A,**]**

...

F313**[**(4A) An acknowledgement referred to in *subsection (4)* shall specify—

(*a*) the procedures for the return of the deposit and the requirement on the parties under this Act and the conditions, in respect of such return, referred to in *section 12(4)*,

(*b*) the obligations on the parties referred to in *sections 12(1)(d)(ii)*, *16(o)* and *148A*,

(*c*) that, without prejudice to *paragraph (b)* and the obligation on the parties under *sections 12(1)(d)(ii)(III)* and *16(o)(iii)*, all notifications relating to the return of the deposit referred to in *section 12(1)(d)* will be sent to the most recent address provided to the Board by each party, and

(*d*) that any interest that accrues on the deposit held by the Board will be retained by the Board in accordance with this Act.

(4B) Where an application under *section 134* is received by the Board and is not accompanied by the deposit, or statement, referred to in *section 135A(2)*, without prejudice to *subsections (4)* and *(5)*, the Board shall, as soon as practicable, notify the parties in writing of the omission concerned and request the landlord to transmit such deposit or provide such statement not later than 14 days from the receipt of the notice under this subsection.

(4C) The notification in writing under *subsection (4B)* shall be in the prescribed form.**]**

...

F310**[**(7) *Subsection (6)* shall not apply where the deposit, or the statement, referred to in *section 134(3A)*, have not accompanied the application under *section 134*.**]**

C73 Subs. (4)(e)(i), (ii)(I) applied with modifications (19.08.2021) by *Affordable Housing Act 2021* (25/2021), s. 33(14), S.I. No. 424 of 2021.

Setting and review of rent in cost rental tenancy

33. ...

(14) The provisions of the Act of 2004 specified in column (2) of the Table to this section at each reference number shall apply to cost rental tenancies as if the provisions of the Act of 2004 specified at the same reference number in column (3) of the Table were references to the provisions of this section specified at the same reference number in column (4) of the Table, subject, where relevant, to any proviso specified at the same reference number in column (5).

Table

Ref No. (1)	Section of Act of 2004 (2)	Provisions of Act of 2004 referenced (3)	Substituted provisions of this section (4)	Proviso (5)
...	...	...	...	
6.	section 135(4)(e)(i)(I)	sections 19, 20 and 22	subsections (2) to (12)	
7.	section 135(4)(e)(ii)(I)	section 19	subsection (2), (3)(a) and (4)(a)	

Editorial Notes:

E167 Power pursuant to section exercised (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), in operation as per reg. 2.

E168 Previous affecting provision: subs. (5) amended (15.07.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100(4)(b), commenced on enactment; substituted as per F-note above.

F314**[**Obligation to transmit deposit to Board

135A.— ...**]**

Annotations

Amendments:

F314 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 61, not commenced as of date of revision.

Modifications (not altering text):

C74 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 61, not commenced as of date of revision.

F314**[135A.**—(1) For the purposes of *section 12(1)(d)*, where a deposit referred to in that section is paid by a tenant to his or her landlord on entering into the agreement for the tenancy or lease, the landlord shall, subject to *subsection (2)*, transmit that deposit to the Board with the application for registration under *section 134*.

(2) Where a tenant has not paid a deposit referred to in *subsection (1)* to his or her landlord on entering into the agreement for the tenancy or lease, the application for registration under *section 134* shall be accompanied by a statement, in the prescribed form, stating that the tenant has not paid a deposit referred to in *subsection (1)* to the landlord and that a deposit is not available to provide for a default referred to in *section 12(4)*.

(3) For the purposes of *subsection (1)*, where the landlord transmits a sum of money to the Board that is equal in value to the sum of the deposit, the sum transmitted to the Board shall be treated as the deposit paid to the landlord by the tenant.

(4) The Minister may make regulations relating to the manner in which the deposit referred to in *subsection (1)* may be transmitted to the Board and may include provision for the electronic transfer of the deposit.**]**

Editorial Notes:

E169 The section heading is taken from the amending section in the absence of one included in the amendment.

F315**[**Enforcement of obligations under *section 135A*

135B.— ...**]**

Annotations

Amendments:

F315 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 61, not commenced as of date of revision.

Modifications (not altering text):

C75 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 61, not commenced as of date of revision.

F315**[135B.**—(1) Where a notice under *section 135(4B)* is sent to a landlord and he or she does not transmit the deposit concerned or furnish the statement concerned within the period specified in that notice, the Board shall serve a further notice on the landlord stating that he or she is required to transmit the deposit concerned or furnish the notice concerned to the Board within 14 days of receipt by him or her of the further notice under this section and that where he or she fails to do so within that period, he or she is guilty of an offence.

(2) A person who fails to comply with the further notice under *subsection (1)* is guilty of an offence.

(3) It shall be a defence for a person charged with an offence under *subsection (2)* for the person to show that he or she took all reasonable steps to comply with *subsection (1)*.**]**

Particulars to be specified in application under *section 134*.

136.—F318**[**(1)**]** An application under *section 134* shall contain the following particulars—

(*a*) the address of the dwelling,

(*b*) F319**[**the name, address where the landlord ordinarily resides, any other address for correspondence the landlord may wish to provide and the personal public service number (if any) of the landlord**]** and, where the application is made by his or her authorised agent, the name, address for correspondence and personal public service number (if any) of the agent,

F321**[**(*ba*) if the application relates to registration on the commencement of a tenancy or annual registration during a tenancy,**]**

(*c*) if the landlord is a company, the registered number and registered office of that company,

(*d*) if (where the application is made by the landlord's authorised agent) the authorised agent is a company, the registered number and registered office of that company,

(*e*) F320**[**...**]**

(*f*) the name and, unless it cannot be ascertained by reasonable inquiry, personal public service number of the tenant, or (as the case may be) of each of the tenants, of the dwelling,

(*g*) the name of the housing authority in whose functional area the dwelling is situated,

(*h*) if the dwelling is one of a number of dwellings comprising an apartment complex, the name of the management company (if any) of the complex and the registered number and registered office of that company,

(*i*) a description of the dwelling, indicating—

(i) F320**[**...**]**

(ii) F320**[**...**]**

(iii) a statement as to which of the following categories it belongs namely, a whole or part of a house, a maisonette, an apartment, a flat or a bedsitter and, in case it falls within the category of a house or maisonette, an indication as to whether the house or maisonette is detached, semi-detached or F316**[**terraced,**]**

(iv) the number of bedrooms,

F317**[**(v) the number of bed spaces,

(vi) the floor area, and

(vii) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, the BER,**]**

(*j*) the date the tenancy of the dwelling commenced,

(*k*) the amount of the rent payable under that tenancy, the frequency with which it is required to be paid and any taxes or other charges required to be paid by the tenant,

(*l*) if the tenancy is for a fixed term, the period of that term,

(*m*) if the tenancy consists of a sub-letting, an indication to that effect,

(*n*) the number assigned under *section 135(3)* in respect of a previous tenancy that was registered under this Part in respect of the dwelling (but only if the particulars provided under *paragraph (f)* in respect of that tenancy

were the same as those that are being provided, under that paragraph, in respect of the immediate tenancy), and

(*o*) such other matters as may be prescribed.

F318**[**(2) Nothing in *subsection (6)* of *section 135* shall operate to affect the obligation under *subsection (1)*.**]**

Annotations

Amendments:

F316 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 19(a), S.I. No. 67 of 2026.

F317 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 19(b), S.I. No. 67 of 2026.

F318 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 62(a), (c), S.I. No. 119 of 2016.

F319 Substituted (4.06.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 24(a), S.I. No. 236 of 2019.

F320 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 62(b)(i), (ii), S.I. No. 119 of 2016.

F321 Inserted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 24(b), S.I. No. 167 of 2022.

F322 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 62(b)(iii), not commenced as of date of revision.

Modifications (not altering text):

C76 Prospective affecting provision: subs. (1)(ka) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 62(b)(iii), not commenced as of date of revision.

F322**[**(*ka*) if a deposit referred to in *section 134(3A)* has accompanied the application, the amount of that deposit,**]**

Fee to accompany application under *section 134*.

137.—F323**[**(1) (*a*) Subject to *subsections (2)* and *(6)* and *section 137A*, the fee to accompany an application under *section 134* shall—

(i) in the case of an application (other than an application referred to in *paragraph (b)*) made during the period of 12 months after the commencement of section 25 of the Residential Tenancies (Amendment) Act 2019, be €40, and

(ii) in the case of an application (other than an application referred to in *paragraph (b)*) made after that period—

(I) be €40, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

F324**[**(*b*) Subject to *subsections (2)* and *(6)* and *section 137A*, the fee to accompany an application under *section 134* shall—

(i) in the case of an application in respect of a tenancy to which *subsection (1A)* of *section 3* applies made during the period of 12 months after the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019, be €40, or

(ii) in the case of an application in respect of a tenancy to which *subsection (1A)* of *section 3* applies made after that period—

(I) be €40, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

(2) The requirement under F325**[***section 134(3)(b)(i)***]** F326**[**that a fee referred to in *subsection (1)***]** accompany an application under *section 134* shall be regarded as satisfied, as respects the applications mentioned in *subsection (3)*, if the applicant mentioned in that subsection opts to pay to the Board a single fee of the amount specified in *subsection (4)* in respect of those applications.

(3) The applications referred to in *subsection (2)* are applications made by the same person at the same time F327**[**in respect of not more than 10 tenancies**]** of dwellings comprised in the same property.

F328**[**(4) (*a*) The amount of the single fee referred to in *subsection (2)* shall—

(i) if the applications (other than an application referred to in *paragraph (b)*) concerned are made during the period of 12 months after the commencement of section 25 of the Residential Tenancies (Amendment) Act 2019, be €170, or

(ii) if the applications (other than an application referred to in *paragraph (b)*) concerned are made after that period—

(I) be €170, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

F324**[**(*b*) The amount of the single fee referred to in *subsection (2)* shall—

(i) if the applications concerned are in respect of a tenancy to which *subsection (1A)* of *section 3* applies made during the period of 12 months after the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019, be €170, or

(ii) if the applications concerned are in respect of a tenancy to which *subsection (1A)* of *section 3* applies made after that period—

(I) be €170, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

(5) The option of paying the single fee referred to in *subsection (2)* is not available to the person mentioned in *subsection (3)* if the applications concerned are not made within the period specified in F329**[***subsection (2)* or *(2B)* of *section 134***]**.

F330**[**(6) If an application under *subsection (1)* of *section 134* is made after the expiration of the period specified in *subsection (2)* or *subsection (2B)*, as may be appropriate, the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(*a*) the fee that would have been payable had the application been made before the expiration of that period, and

(*b*) €10 in respect of each month or part of a month falling after such expiration.**]**

Annotations

Amendments:

F323 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 25(1)(a), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F324 Substituted (15.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 25(1)(a), (c), S.I. No. 354 of 2019.

F325 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 17(b), S.I. No. 151 of 2016.

F326 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 25(1)(b), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F327 Substituted (20.04.2017) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 17(c), S.I. No. 159 of 2017.

F328 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 25(c), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F329 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 25(d), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F330 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 25(e), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

Modifications (not altering text):

Editorial Notes:

E170 Previous affecting provision: subs. (6) substituted and subs. (7) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 17(d), (e), not commenced; repealed (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(b), S.I. No. 236 of 2019.

E171 Previous affecting provision: subs. (1) amended (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 17(a), S.I. No. 151 of 2016; subsection substituted (4.04.2022) as per F-note above.

F331**[**Fee to accompany application under *section 134(2A)*

137A.—F332**[**(1) Subject to *subsections (2)* and *(6)*, the fee that is required to accompany an application referred to in *subsection (2A)* of *section 134* shall—

(*a*) in the case of an application made during the period of 12 months after the commencement of section 26 of the Residential Tenancies (Amendment) Act 2019, be €20, or

(*b*) in the case of an application made after that period—

(i) be €20, or

(ii) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

(2) The requirement under *section 134(3)(b)(ii)* F333**[**that a fee referred to in *subsection (1)***]** accompany an application under *section 134* shall be regarded as satisfied, as respects the applications referred to in *subsection (3)*, if the applicant referred to in *subsection (3)* opts to pay the Board a single fee of the amount specified in *subsection (4)* in respect of those applications.

(3) The applications referred to in *subsection (2)* are applications made by the same person at the same time in respect of not more than 10 tenancies of dwellings comprised in the same property.

F334**[**(4) The amount of the single fee referred to in *subsection (2)* shall—

(*a*) if the applications concerned are made during the period of 12 months after the commencement of section 26 of the Residential Tenancies (Amendment) Act 2019, be €85, or

(*b*) if the applications concerned are made after that period—

(i) be €85, or

(ii) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

(5) The option of paying the single fee referred to in *subsection (2)* is not available to the person referred to in *subsection (3)* if the applications concerned are not made within the period specified in F335**[***subsection (2A)* or *(2B)*, as may be appropriate, of *section 134***]**.

F336**[**(6) If an application referred to in *subsection (2A)* of *section 134* is made after the expiration of the period specified in that subsection, the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(*a*) the fee that would have been payable had the application been made before the expiration of that period, and

(*b*) €5 in respect of each month or part of a month falling after such expiration.**]**

(7) The fee referred to in *subsection (6)* shall not exceed the total amount of €240.**]**

Annotations

Amendments:

F331 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42.2015), s. 18, S.I. No. 151 of 2016.

F332 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 26(1)(a), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F333 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 26(1)(b), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F334 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 26(1)(c), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F335 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 26(1)(d), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

F336 Substituted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 26(1)(e), S.I. No. 167 of 2022, subject to transitional provision in subs. (2).

Variation of fee in line with changes in value of money.

138.—(1) If the Board is satisfied that, having regard to changes in the value of money generally in the State that have occurred in—

(*a*) any period ending on or before the date that falls 12 months after the commencement of *section 134*, or

(*b*) any period subsequent to that date,

it is appropriate for it to declare a fee of a greater or lesser amount than—

(i) in the case of *section 137(1)(b)*—

(I) €70, or

(II) the amount that was last previously declared (in exercise of the power under this section) for the purposes of that provision,

or

(ii) in the case of *section 137(4)(b)*—

(I) €300, or

(II) the amount that was last previously declared (in exercise of the power under this section) for the purposes of that provision,

it may, subject to *subsection (2)*, declare in writing, for the purposes of *subsection (1)(b)* or *(4)(b)* of *section 137*, a fee of such a greater or lesser amount.

F337**[**(1A) Without prejudice to *subsection (1)*, where, in respect of the fee referred to in *subsections (1)(b)* and *(4)(b)* of *section 137A*, the Board is satisfied that, having regard to changes in the value of money generally in the State that have occurred in—

(*a*) any period ending on or before the date that falls 24 months after the commencement of *subsection (2A)* of *section 134*, or

(*b*) any period subsequent to that date,

it is appropriate for it to declare a fee of a greater or lesser amount than—

(i) in the case of *section 137A(1)(b)* —

(I) €90, or

(II) the amount that was last previously declared (in exercise of the power under this section) for the purposes of that provision,

or

(ii) in the case of *section 137A(4)(b)* —

(I) €375, or

(II) the amount that was last previously declared (in exercise of the power under this section) for the purposes of that provision,

it may, subject to *subsection (2A)*, declare in writing, for the purposes of *subsection (1)(b)* or *(4)(b)* of *section 137A*, a fee of such greater or lesser amount.**]**

(2) The amount (expressed as a percentage) by which the amount of a fee declared under this section is greater or lesser than the amount of the relevant fee mentioned in *subsection (1)* shall be such as, in the opinion of the Board, approximates to the percentage increase or decrease in the value of money generally in the State that has occurred in—

(*a*) unless *paragraph (b)* applies, the period beginning on the commencement of *section 134* and ending on the making of the declaration, or

(*b*) if the power under this section has previously been exercised for the purpose of *subsection (1)(b)* or *(4)(b)* of *section 137*, as the case may be, the period beginning on the date that that power was last exercised and ending on the making of the declaration.

F337**[**(2A) In respect of the declaration of a fee referred to in *subsection (1A)*, the amount (expressed as a percentage) by which the amount of a fee declared under that subsection is greater or lesser than the amount of the relevant fee mentioned in that subsection shall be such as, in the opinion of the Board, approximates to the percentage increase or decrease in the value of money generally in the State that has occurred in—

(*a*) unless *paragraph (b)* applies, the period beginning on the commencement of *subsection (2A)* of *section 134* and ending on the making of the declaration, or

(*b*) if the power under this section has been previously exercised for the purpose of *subsection (1)(b)* or *(4)(b)* of *section 137A*, as the case may be, the period beginning on the date that the power was last exercised and ending on the making of the declaration.**]**

Annotations

Amendments:

F337 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 19, S.I. No. 151 of 2016.

CHAPTER 3

Updating of register and enforcement of requirement to register

Updating of particulars entered in the register.

139.—(1) Within 1 month from an alteration of the rent payable under a tenancy registered in the register taking effect, the landlord under the tenancy shall furnish to the Board F340**[**, by a notice in writing in the prescribed form, the information specified in *subsection (2)*]**.**

(2) That information is—

(*a*) the amount of that rent as it stands altered and the date from which that alteration took effect, and

(*b*) so far as any of the other matters in respect of which particulars were entered in the register in respect of the tenancy have changed in any material respect since, as appropriate—

(i) the tenancy was registered in the register, or

(ii) information in respect of them was last previously furnished to the Board under *subsection (1)*,

particulars in respect of those other matters as they stand at the date of this furnishing of information under *subsection (1)*.

(3) No fee shall be payable in respect of the furnishing to the Board of the information mentioned in this section.

(4) The Board, as soon as may be after receipt of the information mentioned in this section, shall amend the relevant particulars in the register with respect to the tenancy concerned.

F338**[**(5) ...

(6) ...**]**

F339**[**(7) (*a*) Without prejudice to *subsection (1)*, a landlord may, at any time, notify the Board in writing of—

(i) any changes in respect of particulars entered in the register, and

(ii) any additional particulars to be entered in the register,

in respect of the tenancy.

(*b*) In *subsection (4)*, the reference to information shall include particulars notified under *paragraph (a)*.**]**

Annotations

Amendments:

F338 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 63(d), not commenced as of date of revision.

F339 Inserted (1.01.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 63(d), S.I. No. 631 of 2015.

F340 Substituted (15.03.2023) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 63(a), S.I. No. 96 of 2023.

Modifications (not altering text):

C77 Prospective affecting provision: subss. (5), (6), (8) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 63(d), not commenced as of date of revision.

139.—

...

F338**[**(5) Without prejudice to *subsection (1)*, the Board shall, as soon as may be, update the register following the receipt by it of—

(a) information referred to in *section 12(1)(d)(ii)(III)*, and

(b) information referred to in *section 16(o)(iii)*.

(6) No fee shall be payable in respect of the furnishing to the Board of the information referred to in *subsection (5)*.**]**

...

F338**[**(8) In *paragraph (d)* of *subsection (2)*, "amount of rent sought" has the same meaning as it has in section 22.**]**

Editorial Notes:

E172 Power pursuant to section exercised (1.03.2026) by *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), in operation as per reg. 2.

E173 Previous affecting provisions: subss. (1A) inserted and (2) substituted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 63(b), (c), not commenced; paras. (b), (c) repealed (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(c), S.I. No. 236 of 2019.

E174 Previous affecting provision: subs. (8) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 63(d), not commenced; para. (d) repealed in so far as it relates to the insertion of subs. (8) (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 36(c), S.I. No. 236 of 2019.

Amendment of register by Board of its own volition.

140.—(1) If the Board becomes aware that any particular entered in the register is incorrect it shall amend the register to correct the matter.

(2) For the purpose of complying with *subsection (1)* and, in particular, for the purpose of determining what needs to be stated in the register by way of correction of the matter, the Board may make such inquiries as it thinks fit (whether of the landlord or tenant under the tenancy concerned or any other person).

Deletion from register of a tenancy.

141.—(1) Where, in the opinion of the landlord of the dwelling, a dwelling in respect of which a tenancy has been registered in the register has ceased to be a dwelling to which this Act applies, the landlord shall notify in writing the Board of that opinion and the grounds for it.

(2) That notification shall be made within 1 month from the date that, in the opinion of the landlord, the cessation concerned occurred.

(3) Having considered the grounds stated in a notification made to it under *subsection (1)*, the Board shall—

(*a*) if it is satisfied that the dwelling concerned is no longer a dwelling to which this Act applies, delete the entry in the register in respect of the dwelling and notify the landlord of that deletion, or

(*b*) if it is not satisfied that the dwelling is no longer a dwelling to which this Act applies, notify the landlord that it is not so satisfied.

(4) For the avoidance of doubt, no refund of the whole or part of the fee charged under *section 134* in respect of the registration under this Part of the dwelling concerned may be made to the landlord in a case to which *subsection (3)(a)* applies.

(5) Despite the deletion, under *subsection (3)(a)*, of the entry in the register in respect of a tenancy of a dwelling, the Board may, if it considers it appropriate to do so for the purpose of its functions under *section 151*, keep a record of all or any of the particulars in respect of that tenancy that were contained in the entry.

Presumption in relation to date of commencement of tenancy.

142.—In any proceedings under *Part 6*, it shall be presumed until the contrary is shown that the date stated in the register as the date on which the tenancy, the subject of the proceedings, commenced is the date on which that tenancy commenced.

Offence for furnishing false or misleading information.

143.—A person who, in purported compliance with *section 134* or *139*, furnishes information to the Board which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading is guilty of an offence.

Provision in aid of enforcement of registration requirements.

144.—(1) If it appears to the Board that a particular tenancy that ought to be registered in the register has not been the subject of an application for registration under *section 134*, it shall serve the notice referred to in *subsection (2)* on the person whom it considers to be the landlord under that tenancy.

(2) That notice is a notice—

(*a*) stating the Board's opinion that the tenancy mentioned in the notice is required to be registered in the register and, accordingly, that an application for registration of the tenancy under *section 134* must be made by the addressee of the notice, and

(*b*) requesting the addressee of the notice to furnish to the Board, within a period specified in the notice, the reasons why the addressee considers (if such be the case) that the opinion is not well founded.

(3) If the addressee of the notice referred to in *subsection (2)*—

(*a*) does not furnish to the Board, in accordance with the notice, the reasons requested, or

(*b*) furnishes, in accordance with the notice, reasons to the Board which do not result in its altering the opinion stated in that notice,

the Board shall (unless an application has by then been made under *section 134* to register the tenancy) serve a further notice on the addressee stating that he or she is required to apply to the Board under *section 134* to register the tenancy in the register and that, if he or she fails to do so within 14 days from the receipt by him or her of the notice, he or she is guilty of an offence.

(4) A person who fails to comply with a notice under *subsection (3)* within the period of 14 days from the receipt by him or her of the notice is guilty of an offence.

(5) For the purpose of a person's complying with the requirement in a notice under *subsection (2)* or *(3)* to register a tenancy under *section 134*, that section F341**[**shall apply as if *subsection (2)* or, as the case may be, *subsection (2A)*]** were omitted from it (but for that purpose only and not so as to affect the application of *section 137(6)* F341**[**or *137A(6)*]**).

(6) Proceedings for an offence under *subsection (4)* may not be brought if more than a year has elapsed between the date of service of the notice under *subsection (2)* and of the notice under *subsection (3)* in relation to the matter concerned.

(7) The reference in *subsection (1)* to a particular tenancy that ought to be registered shall be deemed to include a reference to a tenancy which, in the opinion of the Board, exists in respect of a dwelling and, accordingly, ought to be registered; where the Board is of that opinion in respect of a dwelling then the notice referred

to in *subsection (2)* concerning that dwelling shall expressly state that as part of the opinion stated by the Board in the notice.

Annotations

Amendments:

F341 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 20, S.I. No. 151 of 2016.

F342[Enforcement of requirement to update particulars

144A.—(1) As soon as practicable after it has formed the opinion that a landlord under a tenancy has failed to comply with *section 139(1)*, the Board shall serve the notice referred to in *subsection (2)*.

(2) The notice shall—

(*a*) inform the landlord of the Board's opinion, and

(*b*) request the landlord to, within the period specified in the notice—

(i) comply with *section 139(1)*, or

(ii) furnish to the Board the reasons why the landlord considers (if such be the case) that the opinion is not well founded.

(3) If the landlord, within the period specified in the notice—

(*a*) does not comply with *section 139(1)*, or

(*b*) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the landlord stating that the landlord is required to comply with *section 139(1)* and that the Board's opinion has not altered and that, if he or she fails to do so within 14 days from the receipt by him or her of the notice, the landlord shall be guilty of an offence.

(4) A person who fails to comply with a notice under *subsection (3)* within 14 days from the receipt by him or her of the notice shall be guilty of an offence.]

Annotations

Amendments:

F342 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 27, S.I. No. 236 of 2019.

Editorial Notes:

E175 The section heading is taken from the amending section in the absence of one included in the amendment.

Further provisions in aid of enforcement of registration requirements.

145.—(1) A person authorised in writing by the Board for the purposes of this section as respects the particular dwelling may, at all reasonable times, enter into and inspect a dwelling for the purposes of determining the correctness of any particular specified in an application made under *section 134* in respect of a tenancy of that dwelling.

(2) A person shall not be authorised under *subsection (1)* unless the Board has reasonable grounds for believing that a particular specified in the application mentioned in that subsection is false or misleading in a material respect.

(3) A person who obstructs or impedes a person authorised under *subsection (1)* in the exercise by that person of his or her powers under that subsection is guilty of an offence.

(4) If it appears to the Board that a particular tenancy that ought to be registered in the register has not been the subject of an application for registration under *section 134* it may, by service of a notice on the tenant under the tenancy, require the tenant to supply to it, within a period specified in the notice, the name and address of the landlord under the tenancy or, if those particulars are not known to the tenant, any information in the possession of the tenant that could reasonably lead to the Board's ascertaining the identity of the landlord or his or her address.

(5) A person who fails to comply with a notice under *subsection (4)* or supplies information to the Board in purported compliance with the notice which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading is guilty of an offence.

CHAPTER 4

Data exchange — private residential tenancies

Data exchange — private residential tenancies.

146.—(1) A local authority shall, at such intervals as are specified by the Board, supply to the Board such information in its possession as falls within any class of information specified by the Board for the purpose of this subsection, being a class of information the supply of which to the Board is F343**[**necessary and proportionate**]** for the performance by the Board of its functions.

(2) The Minister for Social and Family Affairs shall, at such intervals as are specified by the Board, supply to the Board such information in his or her possession as falls within any class of information specified by the Board for the purpose of this subsection, being a class of information the supply of which to the Board is F343**[**necessary and proportionate**]** for the performance by the Board of its functions.

(3) The Board shall, at such intervals as are specified by a local authority, supply to the local authority such information in the possession of the Board as falls within any class of information specified by the local authority for the purpose of this subsection, being a class of information the supply of which to the authority is F343**[**necessary and proportionate**]** for the performance by the authority of its functions relating to houses, dwellings or other structures (either generally or those which have been provided by it).

(4) The Board shall, at such intervals as are specified by the Minister for Social and Family Affairs, supply to that Minister of the Government such information in the possession of the Board as is F343**[**necessary and proportionate**]** for the performance by that Minister of his or her F344**[**functions under Chapter 9 of Part 3 of the Social Welfare Consolidation Act 2005 and for the purposes of administering the application for, and payment of, financial contributions under Part 2 of the Civil Law (Miscellaneous Provisions) Act 2022**]**.

F345**[**(5) Where the Board considers that it is necessary and proportionate for the performance by the Board of its functions, the Board may request Sustainable Energy Ireland – the Sustainable Energy Authority of Ireland (in this section referred to as the "SEAI") to supply the Board with the following information in relation to a dwelling:

(*a*) the floor area;

(*b*) the BER.

(6) The SEAI shall comply with a request under *subsection (5)* in so far as the information requested is in its possession.

(7) The Board shall, at such intervals as are specified by the SEAI, supply to that body such information in the possession of the Board as falls within any class of information specified by the SEAI for the purpose of this subsection, being a class

of information the supply of which to the SEAI is necessary and proportionate for the performance by the SEAI of its functions under the Sustainable Energy Act 2002.**]**

Annotations

Amendments:

F343 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 20(a), S.I. No. 67 of 2026.

F344 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 20(b), S.I. No. 67 of 2026.

F345 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 20(c), S.I. No. 67 of 2026.

Exchange of public service data.

147.—(1) A local authority shall, at such intervals as are specified by the Minister for Social and Family Affairs, supply to that Minister of the Government such information in its possession as falls within any class of information specified by that Minister for the purpose of this subsection, being a class of information the supply of which to that Minister is reasonably necessary for the performance by that Minister of his or her functions under Chapter 11 of Part III of the Social Welfare (Consolidation) Act 1993.

(2) The Minister for Social and Family Affairs shall, at such intervals as are specified by a local authority, supply to the local authority such information in his or her possession as falls within any class of information specified by the local authority for the purpose of this subsection, being a class of information the supply of which to the authority is reasonably necessary for the performance by the authority of its functions relating to houses, dwellings or other structures (either generally or those which have been provided by it).

F347**[**Disclosure of certain information to Revenue Commissioners.

F346**[147A.**—(1) The Revenue Commissioners may, where they consider that it is necessary and proportionate for the performance by them of their functions, request the Board to supply the Revenue Commissioners with—

(*a*) information contained in the register, or

(*b*) where it appears to the Board that a dwelling is, or might be, the subject of a tenancy that is not registered under *Part 7*, some or all of the following information:

(i) where the owner, landlord or tenant of the dwelling is—

(I) an individual, the name, contact details, address (including postcode) and personal public service number of the individual,

(II) a company, its name, its contact details, the address (including postcode) of its registered office, its tax reference number and its registered number, or

(III) a body corporate other than a company, its name, its contact details, the address (including postcode) of its principal office or place of business and its tax reference number;

(ii) the address (including postcode) of the dwelling;

(iii) the duration of the tenancy;

(iv) the amount of rent payable under the tenancy;

(v) the number of tenants;

(vi) such other information as the Revenue Commissioners may reasonably require for the purposes of their functions.

(2) The Board shall, as soon as practicable after receipt of a request under *subsection (1)* or at such intervals as are specified by the Revenue Commissioners, comply with the request in so far as the information requested is in their possession.

(3) The Board may, of its own volition, disclose to the Revenue Commissioners the following information in its possession:

(*a*) information relating to a decision under *subsection (4)(a)* or *(5)* of *section 148X* to impose a sanction;

(*b*) information relating to a sanction imposed under *Part 7A*;

(*c*) information relating to a tenancy, or a dwelling that appears to the Board to be the subject of a tenancy, that is not registered under *Part 7*, the disclosure of which to the Revenue Commissioners is necessary and proportionate for the performance by the Revenue Commissioners of their functions.**]]**

Annotations

Amendments:

F346 Substituted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 21, S.I. No. 67 of 2026.

F347 Inserted (15.07.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100(5), commenced on enactment.

F348**[**Disclosure of information by Revenue Commissioners to Board

147B.—(1) Where it appears to the Board that a dwelling is, or might be, let by an owner or landlord and the Board considers that it is necessary and proportionate for the performance by the Board of its functions, the Board may request the Revenue Commissioners to supply the Board with some or all of the following information:

(*a*) where the owner, landlord or tenant of the dwelling is—

(i) an individual, the name, contact details, address (including postcode) and personal public service number of the individual,

(ii) a company, its name, its contact details, the address (including postcode) of its registered office, its tax reference number and its registered number, or

(iii) a body corporate other than a company, its name, its contact details, the address (including postcode) of its principal office or place of business and its tax reference number;

(*b*) the address (including postcode) of the dwelling.

(2) The Revenue Commissioners shall, as soon as practicable after receipt of a request under *subsection (1)* or at such intervals as are specified by the Board, comply with a request under *subsection (1)* in so far as the information requested is in their possession.**]**

Annotations

Amendments:

F348 Inserted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026*, (3/2026), s. 22, S.I. No. 67 of 2026.

Editorial Notes:

E176 The section heading is taken from the amending section in the absence of one included in the amendment.

Provision of details of tenancy to Revenue Commissioners.

148.—(1) In this section "identification number" means—

(*a*) in the case of an individual, the individual's personal public service number, and

(*b*) in the case of a company, the registered number of the company.

(2) On the request of—

(*a*) a landlord of a dwelling, on his or her furnishing—

(i) his or her identification number, or

(ii) his or her name and the identification number of his or her authorised agent,

or

(*b*) the Revenue Commissioners, on their furnishing—

(i) the identification number of a landlord of a dwelling, or

(ii) the name of a landlord of a dwelling and the identification number of his or her authorised agent,

the Board shall, at such time or times as are reasonably specified in the request, furnish to the Revenue Commissioners—

(I) confirmation as to whether the landlord has registered a tenancy in respect of a dwelling, and

(II) in the event of there being one or more than one tenancy so registered, such of the particulars registered in respect of it or them as the Revenue Commissioners may require.

F349[Obligation of parties in relation to return of deposit

148A.— ...]

Annotations

Amendments:

F349 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C78 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F349[**148A.**—Without prejudice to *sections 12(1)(d)(ii)*, *16(o)*, *148F(2)* and *148I(3)*, for the purpose of the performance of the Board of its functions relating to the return of a deposit referred to in *section 12(1)(d)*, a landlord and a tenant shall respond to a notification of the Board in respect of such return within the prescribed period that is specified, in regulations, for the notification concerned.]

F350[Return of deposit by Board

148B.— ...]

Annotations

Amendments:

F350 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C79 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F350**[148B.**—The Board shall return a deposit transmitted to it by the landlord pursuant to *section 134(3A)*, to one or, as the case may be, both parties—

(*a*) pursuant to an agreement between the parties, in respect of which an application is made under *section 148C*, as to such return or, as the case may be, pursuant to *section 148G or 148J*,

(*b*) where one or both parties have referred a dispute to the Board in respect of the return of the deposit and the Board has, under *section 121*, prepared and issued a determination order, such return shall be made—

(i) in accordance with the determination order concerned and, in the case of a determination order referred to in *section 123(1)*, as soon as practicable after the determination order is issued to, and becomes binding on, the parties in accordance with *section 123(1)* or such other period as may be specified in the determination order,

(ii) in accordance with the determination order concerned and, in the case of a determination order referred to in *section 123(2)*, as soon as practicable after the expiry of the relevant period (within the meaning of *section 123(8)*), or such other period as may be specified in the determination order,

(iii) where the determination order is appealed under *section 123(3)*, in accordance with the final determination of those proceedings and as soon as practicable after such final determination or such other period as may be specified in the determination order or such final determination, or

(iv) where an application is made under *section 124* in respect of the determination order before the deposit is paid, in accordance with the final determination of those proceedings and as soon as practicable after such final determination,

or

(*c*) in accordance with *section 148L*.**]**

F351**[**Agreement between the parties on the return of deposit

148C.— ...**]**

Annotations

Amendments:

F351 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C80 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F351**[148C.**—(1) Where the landlord and tenant are in agreement in respect of the manner in which the deposit referred to in *section 12(1)(d)* is to be returned by the Board, an application may be made to the Board by both parties (in this Act referred to as a "joint agreed application") in respect of the return of the deposit to one or both of the parties.

(2) A joint agreed application shall be made on, or as soon as practicable after, the end of the tenancy.

(3) A joint agreed application under this section shall include—

(*a*) the reference number, referred to in *section 135(3)*, used by the Board for the tenancy concerned,

(*b*) the date on which the tenancy ended,

(*c*) a statement that the landlord and the tenant have agreed the manner in which the deposit is to be returned to one or both of the parties,

(*d*) having regard to the conditions referred to in *section 12(4)*, a statement that—

(i) all of the deposit is to be returned to the tenant,

(ii) all of the deposit is to be returned to the landlord, or

(iii) the whole amount of the deposit is not to be returned to the tenant or the landlord and specifying the amount that is to be returned to each party,

(*e*) the address of the dwelling, and

(*f*) the address for correspondence, after the tenancy has ended, of the landlord and the tenant if the address has not been provided to the Board as required under *section 12(1)(d)(ii)(III)* or, as the case may be, *section 16(o)(iii)*.

(4) A joint agreed application shall be made in the prescribed form and each party shall state their agreement to the return of the deposit in the manner specified in the joint agreed application.

(5) A joint agreed application under this section shall be sent to the Board by the landlord.

(6) The Minister may make regulations under this section for the making of a joint agreed application and provision may be made for the making of the application by electronic means.**]**

F352**[**Return by Board of deposit where joint agreed application made under *section 148C*

148D.— ...**]**

Annotations

Amendments:

F352 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C81 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F352**[148D.**—(1) Where the Board has received a joint agreed application under *section 148C* for the return of the deposit referred to in *section 12(1)(d)*, it shall, as soon as practicable—

(*a*) acknowledge receipt of the joint agreed application to each party, and

(*b*) return the deposit in accordance with the manner specified in the joint agreed application pursuant to *section 148C(3)(d)*, unless one of the parties notifies the Board, in writing, within the prescribed period, that there is no agreement between the parties in respect of the manner in which all or part of the deposit is to be returned to one or both of them.

(2) Where the address provided for the landlord or tenant in the joint agreed application is different to the address furnished to the Board pursuant to—

(*a*) *section 12(1)(d)(ii)(III)*, in the case of the landlord or, as the case may be, the address for correspondence furnished to the Board pursuant to *section 136*, or

(*b*) *section 16(o)(iii)*, in the case of the tenant,

the Board shall notify the parties accordingly and require confirmation of the correct address for correspondence in respect of the return of the deposit.

(3) Where the Board does not receive a notification referred to in *paragraph (b)* of *subsection (1)* within the prescribed period, the Board shall, as soon as practicable, return the deposit in accordance with the joint agreed application.

(4) Where the landlord or the tenant notifies the Board of the matter specified in *subsection (1)(b)*, the Board shall notify the parties, in writing, that—

(*a*) as there is no agreement between the parties in respect of the return by the Board of the deposit referred to in *section 12(1)(d)*, and

(*b*) as the Board is required under section 148B to return all or part of the deposit referred to in *section 12(1)(d)* to one or both of the parties in accordance with *section 148B*,

it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under *Part 6*.**]**

F353**[**Application for return of deposit where no agreement between the parties

148E.— ...**]**

Annotations

Amendments:

F353 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C82 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F353**[148E.**—(1) Where a landlord and tenant do not agree on the return, by the Board, of a deposit to one or both of them, the landlord or the tenant may apply to the Board in respect of such return to one or both of them on, or as soon as practicable after, the end of the tenancy.

(2) An application under this section shall include—

(*a*) the reference number, referred to in *section 135(3)*, used by the Board for the tenancy concerned,

(*b*) the date on which the tenancy ended,

(*c*) a statement that the parties are not in agreement in respect of the return of the deposit to one or both of them,

(*d*) a statement that—

(i) all of the deposit is to be returned to the tenant,

(ii) all of the deposit is to be returned to the landlord, or

(iii) the whole amount of the deposit is not to be returned to the tenant or the landlord and specifying the amount that is to be returned to each party,

(*e*) the address of the dwelling,

(*f*) confirmation that the applicant has complied with the obligation under *section 12(1)(d)(ii)(III)* or, as the case may be, *section 16(o)(iii)*,

(*g*) if the application is made by the landlord, a statement as to whether he or she has—

(i) made the notification referred to in *section 12(1)(d)(ii)(IV)* to the Board, and

(ii) complied, where the notification was made, with *section 12(6)*,

and

(*h*) if the application is made by the tenant, a statement—

(i) as to whether he or she has received a copy of the notification referred to in *section 12(1)(d)(ii)(IV)*,

(ii) as to whether he or she agrees with the matters specified in that notification, and

(iii) as to whether the statement referred to in *paragraph (d)* incorporates the matters specified in that notification.

(3) Where the Board receives an application under this section from each party in respect of the same tenancy, the Board shall consider each such application together.

(4) An application under this section shall be made on notice to the other party to the tenancy.

(5) An application under this section shall be made in the prescribed form.

(6) Without prejudice to *paragraph (h)* of *subsection (2)*, where—

(*a*) a tenant makes an application under *section 148E*,

(*b*) the tenant has received a copy of the notification referred to in *section 12(1)(d)(ii)(IV)*,

(*c*) the tenant does not agree with the matters specified in the notification, and

(*d*) the tenant has not incorporated all or any of the matters specified in that notification in the statement referred to in *paragraph (d)* of *subsection (2)*,

the Board shall notify the parties that—

(i) as, pursuant to the statement referred to in *paragraph (d)* and the notification referred to in *paragraph (b)*, there is no agreement between the parties in relation to the matters specified in the notification, and

(ii) as the Board is required under *paragraph (b)* of *section 148B* to return all or part of the deposit referred to in *section 12(1)(d)* to one or both of the parties in accordance with that section,

it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under *Part 6*.

(7) The Minister may make regulations under this section for the making of an application under this section and provision may be made for the making of the application by electronic means.**]**

F354**[**Notification by Board of application for return of deposit where no agreement between the parties

148F.— ...**]**

Annotations

Amendments:

F354 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C83 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F354**[148F.**—(1) On receipt of an application under *section 148E*, the Board shall—

(*a*) acknowledge receipt of the application on notice to the party who did not make the application,

(*b*) notify the party who did not make the application—

(i) that an application has been made under *section 148E* for the return of the deposit,

(ii) of the statement referred to in *section 148E(2)(d)*, and

(iii) if the application was made—

(I) by the landlord, whether the landlord has provided the notification to the Board under *section 12(1)(d)(ii)(IV)* and whether the notification has specified a default referred to in *section 12(4)*, or

(II) by the tenant, whether he or she has received a copy of the notification and whether he or she agrees with the matters specified in it and has taken it into account in the statement referred to in *subparagraph (ii)*,

(*c*) request the party who did not make the application concerned to notify the Board, in writing and within the prescribed period, if he or she—

(i) agrees with the return of the deposit as set out in the application concerned (in this Act referred to as a "statement of agreement"), or

(ii) does not agree with the return of the deposit as set out in the application concerned (in this Act referred to as a "statement of disagreement"),

(*d*) notify the party who did not make the application—

(i) of the requirements for return of the deposit under *section 148B*, and

(ii) that it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under *Part 6*,

(*e*) inform the party who did not make the application of the right of referral to the Board for resolution under *Part 6* of a dispute between the parties in respect of the return of the deposit,

(*f*) request the party who did not make the application to notify the Board that if he or she does not agree with the return of the deposit whether he or she proposes to refer, or has referred, the disagreement on such return to the Board for resolution under *Part 6*,

(*g*) inform the party who did not make the application that where he or she does not respond, within the prescribed period, to the Board with the information requested under *paragraph (c)*, the return of the deposit shall be made in accordance with *section 148L*, and

(*h*) inform the party who did not make the application of the obligations on the parties under *sections 12(1)(d)(ii)(III)* and *16(o)(iii)* to provide the Board with his or her address for correspondence when the tenancy has ended and of the obligations of the parties under *section 148A* and *subsection (2)*.

(2) Without prejudice to *section 148A*, the party who did not make the application under *section 148E* and to whom the notification in *subsection (1)* is sent, shall send the statement of agreement or, as the case may be, the statement of disagreement to the Board within the prescribed period.

(3) Where the party who did not make the application under *section 148E* proposes to refer, or has referred, the disagreement referred to in *paragraph (f)* of *subsection (1)*, to the Board for resolution under *Part 6*, he or she shall, within the prescribed period, notify the Board accordingly and such notification shall be made in writing in the prescribed form.**]**

F355**[**Return of deposit where statement of agreement under *section 148F* received

148G.— ...**]**

Annotations

Amendments:

F355 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C84 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F355**[148G.**—(1) Where the party who did not make the application under *section 148E*, and to whom a notification under *section 148F(1)* was made, sends the Board a statement of agreement, the Board shall—

(*a*) acknowledge receipt of the statement of agreement on notice to the party who made the application under *section 148E*, and

(*b*) return the deposit in accordance with the application under *section 148E* as soon as practicable.

(2) A statement of agreement shall be in writing and in the prescribed form.**]**

F356**[**Notification to parties of statement of disagreement under *section 148F*

148H.— ...**]**

Annotations

Amendments:

F356 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C85 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F356**[148H.**—(1) Where the party who did not make the application under *section 148E*, and to whom a notification under *section 148F* was made, provides the Board with a statement of disagreement, the Board shall—

(*a*) acknowledge receipt of the statement of disagreement on notice to the party who made the application under *section 148E*, and

(*b*) notify both parties that—

(i) as, pursuant to the statement of disagreement by the party who did not make the application under *section 148E*, there is no agreement between the parties in respect of the return by the Board of the deposit referred to in *section 12(1)(d)*, and

(ii) as the Board is required under *paragraph (b)* of *section 148B* to return all or part of the deposit referred to in *section 12(1)(d)* to one or both of the parties in accordance with that section,

it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under *Part 6*.

(2) A statement of disagreement shall be in writing and be made in the prescribed form.

(3) The notification under *subsection (1)(b)* shall be in the prescribed form.

(4) Following the notification under *subsection (1)(b)* —

(*a*) where the parties subsequently agree on the amount of the deposit to be returned to one or both of them, the parties may make a joint agreed application under *section 148C* in respect of that deposit, or

(*b*) either of the parties may, subsequent to that notification, make an application under *section 148E* (in this section referred to as a "revised application") and nothing in this Act shall be construed as preventing the party who did not make the revised application from providing a statement of agreement in respect of that revised application.

(5) Where the parties make a joint agreed application pursuant to *subsection (4)(a)*, the parties shall notify the Board that the joint agreed application replaces the first application made under *section 148E*.]

F357[Notification by Board where no statement of agreement, or disagreement, received within prescribed period

148I.— ...]

Annotations

Amendments:

F357 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C86 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F357[**148I.**—(1) Where the Board does not receive, pursuant to *section 148F*, a statement of agreement or, as the case may be, a statement of disagreement within the prescribed period, the Board shall—

(*a*) notify the party who did not make the application under *section 148E* that the Board has not received, within the prescribed period, a statement of agreement or, as the case may be, a statement of disagreement as required under *section 148F(2)*,

(*b*) request the party referred to in *paragraph (a)* to provide the Board, within the prescribed period, with—

(i) a statement of agreement or, as the case may be, the statement of disagreement as required under *section 148F(2)*, and

(ii) a notification specified in *subsection (2)*, if a statement of disagreement is provided to the Board pursuant to *subparagraph (i)*,

(*c*) notify the party referred to in paragraph (a) of the return of the deposit by the Board in accordance with *section 148L* if—

(i) the notification referred to in *subparagraph (i)* of *paragraph (b)* is not provided to the Board within the period prescribed for the purposes of that paragraph,

(ii) a notification referred to in *subparagraph (ii)* of *paragraph (b)*, that is required under that subparagraph to be provided to the Board, is not provided to the Board within the period prescribed for the purposes of that paragraph, and

(iii) the Board is satisfied of the matters specified in *subsection (1)* of *section 148L*,

and

(*d*) notify the party referred to in *paragraph (a)* of the obligation of the landlord under *section 12(1)(d)(ii)* and the tenant under *section 16(o)*, the obligations on the parties under *section 148A*, the obligation under *section 148F(2)* and of the obligation under *subsection (3)*.

(2) Where a statement of disagreement is provided to the Board pursuant to *subsection (1)*, it shall be accompanied by a notification, in writing, to the Board stating whether the party to whom the notification under *subsection (1)* was sent—

(*a*) has made an application under *section 148E* in respect of the deposit concerned, or

(*b*) has referred a dispute to the Board, for resolution under *Part 6*, in relation to the deposit concerned.

(3) Without prejudice to *section 148A*, the party to whom the request referred to in *paragraph (b)* of *subsection (1)* is made shall provide the Board, within the prescribed period, with—

(*a*) the statement of agreement or, as the case may be, the statement of disagreement, and

(*b*) where a notification specified in *subparagraph (ii)* of that paragraph is required to be provided to the Board, shall provide the Board with that notification.

(4) Where, pursuant to a notification under *subsection (1)*, the Board does not, within the prescribed period, receive—

(*a*) a statement of agreement or, as the case may be, a statement of disagreement, and

(*b*) a notification referred to in *subparagraph (ii)* of *paragraph (b)* of *subsection (1)* where such notification is required to be provided to the Board under that subparagraph,

the Board shall request the party who made the application under *section 148E* to make a statutory declaration which shall include a declaration as to the matters specified in *subsection (5)*.

(5) A statutory declaration referred to in *subsection (5)* shall include a declaration—

(*a*) that the person making the declaration—

(i) has not participated with the other party to make a joint agreed application under *section 148C* in respect of the return of the deposit concerned,

(ii) has not made a new application (including a revised application referred to in *section 148K*) under *section 148E* in respect of the deposit concerned,

(iii) has not, pursuant to the failure, by the other party, to comply with *subsection (3)* or *section 148F(2)*, referred a dispute to the Board for resolution under *Part 6*, other than a dispute under *subsection (6)*, in relation to the return of the deposit, and

(iv) has not received a notification from the Board, pursuant to *Part 6*, that an application has been made to it pursuant to *section 76* in respect of the return of the deposit or any matter relating to the return of the deposit,

(*b*) that, in respect of the return, by the Board, of the deposit—

(i) the deposit be returned to the tenant,

(ii) the deposit be returned to the landlord, or

(iii) if the whole amount of the deposit is not to be returned to the tenant or the landlord, the amount of the deposit that is to be returned to each party,

(*c*) of the grounds on which he or she is relying for the return of the deposit and where an amount of the deposit is to be returned to him or her, as specified in accordance with *paragraph (b)(iii)*, the grounds on which that amount is calculated,

(*d*) if he or she is the tenant, that—

(i) he or she has not, received a notification under *section 12(6)* of a default referred to in *section 12(4)*, and

(ii) to the best of his or her knowledge, there has, or has not, been a default referred to in *section 12(4)*, and if there has been such default that it has been addressed in the declaration pursuant to the requirements of *paragraphs (b)* and *(c)*,

and

(*e*) if he or she is the landlord, that—

(i) he or she has complied with *sections 12(1)(d)(ii)(IV)* and *12(6)*, and

(ii) there has been a default referred to in *section 12(4)*, and it has been addressed in the declaration pursuant to the requirements of *paragraphs (b)* and *(c)*.

(6) Any loss accruing to the party who made the application under *section 148E* by reason of delay in the return of the deposit that arises from either or both of the following may be the subject of a complaint to the Board under *Part 6*:

(*a*) the failure of the other party to provide the Board with a notification of agreement or disagreement under *section 148F* and *subsection (3)* (or either of them) within the prescribed period;

(*b*) the failure of the other party to comply with *section 12(1)(d)(ii)(III)* or, as the case may be, *section 16(o)(iii)*.

(7) A notification and request under *subsection (1)* shall be made in the prescribed form.

(8) The Board shall send the party who made the application under *section 148E* a copy of a notification under *subsection (1)*.

(9) The party referred to in *subsection (1)(b)* shall notify the party who made the application under *section 148E* that he or she has sent to the Board—

(*a*) the statement of agreement, or

(*b*) *the statement of disagreement and a notification required under subsection (2),*

within the prescribed period.

(10) Where—

(*a*) the application under *section 148E* is made by a tenant,

(*b*) the landlord has failed to comply with *subsection (3)*,

(*c*) the landlord has made the notification to the Board in accordance with *section 12(1)(d)(ii)(IV)*, and

(*d*) the tenant has not received the copy of the notification referred to in *section 12(6)*,

the Board shall notify the parties, in writing, that—

(i) having regard to the making to the Board of the notification referred to in *paragraph (c)* and the absence of the notification referred to in *paragraph (d)*, the matter of the default concerned requires to be addressed, and

(ii) having regard to *section 148B(b)*, it is a matter for the parties to agree the manner of the return of the deposit or, where there is no agreement in respect of the return of the deposit, for one party or both parties to refer the dispute on such return to the Board for resolution under *Part 6*.**]**

F358**[**Return of deposit where statement of agreement under *section 148I* received

148J.— ...**]**

Annotations

Amendments:

F358 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C87 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F358**[148J.**—(1) Where, pursuant to the notification under *section 148I(1)*, the Board receives a statement of agreement, the Board shall—

(*a*) acknowledge receipt of the statement of agreement on notice to the party who made the application under *section 148E*, and

(*b*) return the deposit in accordance with the application under *section 148E* as soon as practicable.

(2) A statement of agreement shall be in writing and be made in the prescribed form.**]**

F359**[**Notification to parties of statement of disagreement under section 148I

148K.— ...**]**

Annotations

Amendments:

F359 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C88 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F359**[148K.**—(1) Where, pursuant to the notification under *section 148I(1)*, the party concerned provides the Board with a statement of disagreement, the Board shall—

(*a*) acknowledge receipt of the statement of disagreement on notice to the party who made the application under *section 148E*, and

(*b*) notify both parties, in writing, of the matters specified in *paragraph (b)* of *section 148H(1)*.

(2) Following the notification under *subsection (1)(b)* —

(*a*) where the parties subsequently agree on the amount of the deposit to be returned to one or both of them, the parties may make a joint agreed application under *section 148C* in respect of that deposit, or

(*b*) either of the parties may, subsequent to that notification, make a revised application and nothing in this Act shall be construed as preventing the party who did not make the revised application from providing a statement of agreement in respect of that revised application,

and *section 148H(5)* shall apply to the joint agreed application referred to in *paragraph (a)*.

(3) A notification under *subsection (1)(b)* shall be in writing and be made in the prescribed form.

(4) In this section "revised application" has the meaning assigned to it in *section 148H*.**]**

F360**[**Return of deposit where no notification of agreement or disagreement made

148L.— ...**]**

Annotations

Amendments:

F360 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C89 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F360**[148L.**—(1) Where—

(*a*) pursuant to a notification under *section 148I(1)*, the Board does not, within the prescribed period, receive—

(i) a statement of agreement or, as the case may be, a statement of disagreement, and

(ii) a notification referred to in *subparagraph (ii)* of *paragraph (b)* of *subsection (1)* of that section where such notification is required to be provided to the Board under that subparagraph,

(*b*) the Board has received a statutory declaration referred to in *section 148I(5)*,

(*c*) the Board has satisfied itself, having regard to the statutory declaration referred to in *section 148I(5)* that the party who made the application under *section 148E*—

(i) has not made a joint agreed application under *section 148C* in respect of the return of the deposit concerned,

(ii) has not made a new application (including a revised application referred to in *section 148H*) under *section 148E* in relation to the return of the deposit concerned,

(iii) has not referred a dispute to the Board for resolution under *Part 6* in relation to the return of the deposit other than a dispute referred to in *section 148I(6)*, and

(iv) has not received a notification from the Board, pursuant to its functions under *Part 6*, that an application has been made to it under *section 76* in respect of the return of the deposit or any matter relating to the return of the deposit,

(*d*) the Board is satisfied that, having regard to the statutory declaration referred to in *section 148I(5)*, all the matters that are required, under *section 148I(5)*, to be declared, have been declared,

(*e*) the Board has satisfied itself that no other application for the return of the deposit concerned has been made in respect of the tenancy concerned having regard to the reference number assigned to the tenancy in accordance with *section 135(3)*,

(*f*) the Board has satisfied itself that no dispute has been referred to the Board under *Part 6* in respect of the tenancy concerned and where a dispute was referred to the Board, that it did not concern the return of the deposit, and

(*g*) the Board has satisfied itself that the other party has been notified of the application at the address provided by him or her in accordance with *section 12(1)(d)(ii)(II)* or *16(o)(iii)*,

the Board shall, subject to *subsection (2)*, return the deposit referred to in *section 12(1)(d)* to the party who made the application under *section 148E* as soon as practicable.

(2) Where a party has failed to comply with *section 148I(3)* —

(*a*) the Board has had regard to—

(i) the circumstances of the application under *section 148E*, or

(ii) the matters referred to in *paragraphs (b)* to *(g)* of *subsection (1)*,

and

(*b*) in the opinion of the Board, the return of the deposit is a matter that requires resolution by the Board under *Part 6*,

the Board may request the party who made the application under *section 148E* to refer the application under *section 148E* to the Board for resolution under *Part 6*.**]**

F361**[**Offence of furnishing false or misleading information in relation to return of deposit

148M.— ...**]**

Annotations

Amendments:

F361 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C90 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F361**[148M.**—A person who, in purported compliance with, *section 148C*, *148E* or *148F* or *subsection (1)*, *(2)*, *(3)* or *(9)* of *section 148I*, furnishes information to the Board which is false

or misleading in a material respect knowing it to be false or misleading or being reckless as to whether it is false or misleading, is guilty of an offence.**]**

F362**[**Notifications by Board for purposes of return of deposit

148N.— ...**]**

Annotations

Amendments:

F362 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C91 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F362**[148N.**—For the purpose of the performance by the Board of its functions relating to the return of a deposit referred to in *section 12(1)(d)*, the Board shall, when making a notification to a party pursuant to those functions, send the notification to the most recent address which the party concerned has, as required under *section 12(1)(d)(ii)* or, as the case may be, *section 16(o)*, provided to the Board.**]**

F363**[**Reference by party of return of deposit to Board as a dispute for resolution under *Part 6*

148O.— ...**]**

Annotations

Amendments:

F363 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C92 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F363**[148O.**—(1) Without prejudice to *sections 76* and *78*, where a party made an application under *section 148E* and the other party has not provided a statement of agreement or a statement of disagreement in respect of that application within the prescribed period specified for the purposes of *section 148F(1)(c)* or *148I(1)(b)*, that party may, at any time after the prescribed period concerned, refer the return of the deposit to one or both parties to the Board as a dispute requiring resolution under *Part 6*.

(2) The party who refers the dispute referred to in *subsection (1)* for resolution under *Part 6* shall notify the Board and the other party to the tenancy that the application under *section 148E* has been withdrawn and the return of the deposit to one or both parties has been referred to the Board as a dispute requiring resolution under *Part 6* and the notification under this section shall be made at the time the reference of the dispute for resolution under *Part 6* is made.

(3) For the purposes of *section 148B*, where the dispute referred to in *subsection (1)* is referred to the Board for resolution under *Part 6*—

(*a*) the application under *section 148E* shall be treated as withdrawn, and

(*b*) the return of the deposit concerned shall be made in accordance with *section 148B(b)*.**]**

F364[Transitional provisions relating to transmission of deposits of certain tenancies

148P.— ...]

Annotations

Amendments:

F364 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

Modifications (not altering text):

C93 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 64, not commenced as of date of revision.

F364[**148P.**—(1) Where, on or before the coming into operation of sections 23 and 64 of the Residential Tenancies (Amendment) Act 2015—

(*a*) a tenancy was registered in accordance with *section 134*,

(*b*) the tenancy has not been terminated,

(*c*) a notice of termination has not been served in respect of the tenancy, and

(*d*) a deposit had been paid by the tenant to the landlord on entering into the agreement for the tenancy or lease and in respect of which *sections 12(1)(d)* and *12(4)* applied to the return or repayment, by the landlord, of the deposit before those sections were amended by section 23 of the Residential Tenancies (Amendment) Act 2015,

the landlord shall transmit the deposit to the Board not later than 6 months from the date on which sections 23 and 64 of the Residential Tenancies (Amendment) Act 2015 come into operation.

(2) Where, on or before the coming into operation of sections 23 and 64 of the Residential Tenancies (Amendment) Act 2015—

(*a*) a tenancy was registered in accordance with *section 134*,

(*b*) the tenancy has not been terminated,

(*c*) a notice of termination has not been served in respect of the tenancy, and

(*d*) the tenant had not paid a deposit to the landlord on entering into the agreement for the tenancy or lease,

the landlord shall, not later than 6 months from the date on which sections 23 and 64 of the Residential Tenancies (Amendment) Act 2015 come into operation, provide a statement to the Board, in the prescribed form, stating that the tenant has not paid a deposit referred to in *subsection (1)* to the landlord and that a deposit is not available to provide for a default referred to in *section 12(4)*.

(3) A landlord shall furnish the reference number, referred to in *section 135(3)*, assigned by the Board for the tenancy concerned with the transmission of the deposit or, as the case may be, the statement referred to in *subsection (2)*.

(4) The landlord shall notify the tenant in writing that he or she has complied with the obligation under *subsection (1)* or *(2)* at the same time he or she transmits the deposit or provides the statement to the Board.

(5) The following provisions shall apply to a tenancy referred to in this section and where modifications are specified for those provisions, those modifications shall apply to such tenancy:

(*a*) *clauses (I)* to *(IV)* of *section 12(1)(d)(ii)*;

(*b*) *subparagraphs (i)* to *(iii)* of *section 16(o)*;

(*c*) *paragraphs (c)* and *(d)* of *section 135(4)* and the reference in those paragraphs—

(i) to "acknowledgment" shall be construed as "acknowledgment of a deposit transmitted or notice provided pursuant to *section 148P*", and

(ii) to "applicant under *section 134*" shall be construed as "landlord who furnished a deposit or notice pursuant to *section 148P*";

(*d*) *subsection (4A)* of *section 135* and the reference in that subsection to "the acknowledgement referred to in *subsection (4)*" shall be construed as "the acknowledgement of a deposit transmitted or notice provided pursuant to *section 148P*";

(*e*) *subsections (3)* and *(4)* of *section 135A* and the reference in *subsection (4)* to the manner in which the deposit is to be transferred to the Board shall be construed as including the transmission of a deposit under this section;

(f) *paragraph (ka)* of *section 136(1)* and the reference to "has accompanied the application" shall be construed as a reference to "has been furnished pursuant to *section 148P*";

(*g*) *subsections (5)* and *(6)* of *section 139*;

(*h*) *sections 148A* to *148O*.**]**

F365**[**Enforcement of obligation under *section 148P*

148Q.— ...**]**

Annotations

Amendments:

F365 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 42, not commenced as of date of revision.

Modifications (not altering text):

C94 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 42, not commenced as of date of revision.

F365**[148Q.**—(1) Where, after the expiration of the 6 month period referred to in *section 148P*, it appears to the Board that a deposit for a tenancy registered in the register or a notice referred to in *section 148P(2)* has not been furnished to the Board in accordance with *section 148P* within that period, the Board shall, as soon as practicable—

(*a*) notify the parties to the tenancy in writing that it has not received the deposit or the notice referred to in *section 148P*, and

(*b*) request the landlord—

(i) to transmit the deposit to the Board or to furnish the statement referred to in *section 148P(2)* not later than 14 days from the receipt of the notice, or

(ii) to notify the Board in writing, not later than 14 days from receipt of the notice, that a notice of termination has been served on the tenant and of the date of service of that notice, or that the tenancy has been terminated, and of the date of the termination.

(2) The landlord shall notify the tenant in writing of the transmission of the deposit or notice pursuant to *paragraph (b)(i)* or the notification to the Board referred to in *paragraph (b)(ii)*.

(3) Where a notice under *subsection (1)* is sent to a landlord and he or she does not—

(*a*) transmit to the Board, within the period referred to in *paragraph (b)(i)* of *subsection (1)*, the deposit referred to in that subsection,

(*b*) provide to the Board, within the period referred to in *paragraph (b)(i)* of *subsection (1)*, the statement referred to in that subsection, or

(*c*) notify the Board, within the period referred to in *paragraph (b)(ii)* of *subsection (1)*, that a notice of termination has been served in respect of the tenancy or that the tenancy has been terminated in accordance with this Act,

the Board shall serve a further notice on the landlord stating that he or she is required to—

(i) transmit a deposit referred to in *subsection (1)(b)(i)* or provide the statement referred to in *subsection (1)(b)(ii)* to the Board within 14 days from the date of receipt of the further notice, or

(ii) notify the Board, within 14 days from the date of the further notice that a notice of termination has been served in respect of the tenancy or that the tenancy has been terminated in accordance with this Act,

and that where he or she fails to do so within that period, he or she is guilty of an offence.

(4) A person who fails to comply with a further notice under *subsection (3)* is guilty of an offence.

(5) It shall be a defence for a person charged with an offence under *subsection (4)* for that person to show that he or she took all reasonable steps to comply with *subsection (3)*.**]**

F366**[**Part 7A

Complaints, Investigations and Sanctions**]**

Annotations

Amendments:

F366 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 236 of 2019.

F366**[**Interpretation (*Part 7A*)

148R.—In this Part—

"authorised officer" means a person appointed under *section 164A* to be an authorised officer;

"complainant" means a person who makes a complaint under *section 148T*;

"decision maker" means a person appointed under *section 164A* to be a decision maker;

"decision notice" means a notice given by the Board under *section 148Y*;

"improper conduct" in relation to a landlord, means conduct specified in *Schedule 2*;

"investigation" means an investigation under *section 148X*;

"investigation report" in relation to an investigation, means a report in writing, following the completion of the investigation by the authorised officer appointed under *section 148U(1)* to carry out the investigation;

"records" has the meaning assigned to it by *section 148S(19)*;

"sanction" has the meaning assigned to it by *section 148X(11)*.**]**

Annotations

Amendments:

F366 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 236 of 2019.

F367**[**Powers of authorised officer

148S.—(1) For the purposes of carrying out an investigation, an authorised officer may—

(*a*) subject to *subsections (12)* and *(13)*, at all reasonable times enter, inspect, examine and search any premises where he or she has reasonable grounds for believing that any activity in connection with the letting or tenancy of a dwelling is carried on,

(*b*) at such premises inspect and take copies or extracts from records relating to the activity referred to in *paragraph (a)* which he or she finds or with which he or she is provided in the course of his or her inspection,

(*c*) remove any such records from the premises and retain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Part,

(*d*) require any person at the premises or the owner or person in charge of the premises and any person employed there to give to him or her such assistance and information and to produce to him or her such records (and in the case of records in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's possession or control or within that person's procurement, as he or she may reasonably require for the purposes of his or her functions under this Part,

(*e*) be accompanied by a member of the Garda Síochána if there is reasonable cause to apprehend any serious obstruction in the performance of any of the authorised officer's functions under this subsection, and

(*f*) require a landlord to provide an explanation of a decision, course of action, system or practice or the nature or content of any records.

(2) A requirement under *paragraph (d)* or *(f)* of *subsection (1)* shall specify a period within which, or a date and time on which, the person the subject of the requirement is to comply with it.

(3) For the purposes of an investigation, an authorised officer—

(*a*) may require a person who, in the authorised officer's opinion—

(i) possesses information that is relevant to the investigation, or

(ii) has any records within that person's possession or control or within that person's procurement as the authorised officer may reasonably require for the purposes of his or her functions under this Part,

to provide that information or those records, as the case may be, to the authorised officer, and

(*b*) where the authorised officer thinks fit, may require that person to attend before the authorised officer for the purpose of so providing that information or those records as the case may be.

(4) The person who is the subject of a requirement under *subsection (3)* shall comply with the requirement.

(5) A requirement under *subsection (3)* shall specify—

(*a*) a period within which, or a date and time on which, the person the subject of the requirement is to comply with the requirement, and

(*b*) as the authorised officer concerned thinks fit—

(i) the place at which the person shall attend to give the information concerned or to which the person shall deliver the records concerned, or

(ii) the place to which the person shall send the information or the records concerned.

(6) A person required to attend before an authorised officer under *subsection (3)(b)*—

(*a*) is also required to answer fully and truthfully any question put to the person by the authorised officer, and

(*b*) if so required by the authorised officer, shall answer any such question under oath or affirmation.

(7) Where it appears to an authorised officer that a person has failed to comply or fully comply with a requirement under *subsection (1)*, *(3)* or *(6)*, the authorised officer may, on notice to that person and with the consent of the Board, apply in a summary manner to the District Court for an order under *subsection (8)*.

(8) Where satisfied after hearing the application about the person's failure to comply or fully comply with the requirement in question, the District Court may, subject to *subsection (11)*, make an order requiring that person to comply or fully comply, as the case may be, with the requirement within a period specified by the Court.

(9) The administration of an oath referred to in *subsection (6)(b)* by an authorised officer is hereby authorised.

(10) Any statement or admission made by a person pursuant to a requirement under *subsection (1)*, *(3)* or *(6)* is not admissible against that person in criminal proceedings other than criminal proceedings for an offence under *subsection (16)*, and this shall be explained to the person in ordinary language by the authorised officer concerned.

(11) Nothing in this section shall be taken to compel the production by any person of any records which he or she would be exempt from producing in proceedings in a court on the ground of legal professional privilege.

(12) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under *subsection (13)* authorising the entry.

(13) A judge of the District Court, if satisfied on the sworn information of an authorised officer that—

(*a*) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this Part, is or are held on any premises or any part of any premises, and

(*b*) an authorised officer, in the performance of his or her functions under this subsection, has been prevented from entering the premises or any part thereof,

may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.

(14) For the purposes of an investigation, an authorised officer may, if he or she thinks it proper to do so, of his or her own volition or at the request of the landlord to whom the investigation relates, conduct an oral hearing.

(15) *Part 1* of *Schedule 3* shall have effect for the purposes of an oral hearing referred to in *subsection (14)*.

(16) Subject to *subsection (10)*, a person who—

(*a*) withholds, destroys, conceals or refuses to provide any information or records required for the purposes of an investigation,

(*b*) fails or refuses to comply with any requirement of an authorised officer under this section, or

(*c*) otherwise obstructs or hinders an authorised officer in the performance of functions imposed under this Part,

is guilty of an offence and liable—

(i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

(17) An application under *subsection (7)* shall be made to a judge of the District Court for the time being assigned to the District Court District within which the person in respect of whom the application is made resides or carries on any profession, trade or business.

(18) An application for a warrant under *subsection (13)* shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.

(19) In this section "records" includes books, accounts or other documents or any written or printed material or copies thereof, in any form including material created, stored, maintained or preserved by means of any mechanical or electronic device whether or not created, stored, maintained or preserved in non-legible form.**]**

Annotations

Amendments:

F367 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019. A class A fine means a fine not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

F368**[**Complaint

148T.—(1) A person (in this section referred to as a "complainant") may make a complaint in writing to the Board alleging that improper conduct by a landlord has occurred or is occurring.

(2) Where the Board receives a complaint, it shall cause an investigation of the matter the subject of the complaint to be carried out unless, following the making of such inquiries as it thinks fit, the Board is satisfied that—

(*a*) insufficient information is provided with the complaint to enable the Board to form a view whether the complaint should be investigated,

(*b*) the complaint does not relate to improper conduct,

(*c*) the complaint is not made in good faith,

(*d*) the complaint is frivolous or vexatious or without substance or foundation, or

(*e*) the complaint should be referred to the Board for resolution under *Part 6*.

(3) Where the Board decides that a complaint falls within *paragraph (a)*, *(b)*, *(c)*, *(d)* or *(e)* of *subsection (2)*, it shall give notice in writing to the complainant and the landlord of the decision and the reasons for the decision.

(4) Where a complaint is withdrawn by a complainant before the decision maker has made a decision under *section 148X(4)* or *(5)*, the Board may proceed as if the complaint had not been withdrawn if it is satisfied that there is good and sufficient reason for so doing.

(5) Where, pursuant to *subsection (4)*, the Board proceeds as if a complaint had not been withdrawn, the investigation concerned shall thereupon be treated as an investigation initiated by the Board, and other provisions of this Part shall be construed accordingly.**]**

Annotations

Amendments:

F368 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F369[Board to appoint authorised officer and decision maker

148U.—(1) Subject to *section 148T(2)* and *(4)* the Board shall, following receipt of a complaint and may, of its own volition, cause an investigation to be carried out and decided upon under this Part and for that purpose shall appoint an authorised officer and a decision maker.

(2) The Board may appoint more than one authorised officer to carry out an investigation but, in any such case, the investigation report concerned shall be prepared jointly by the authorised officers so appointed and the other provisions of this Part shall, with all necessary modifications, be construed accordingly.

(3) The terms of appointment of an authorised officer may define the scope of the investigation to be carried out by the authorised officer, whether as respects the matters or the period to which it is to extend or otherwise, and, in particular, may limit the investigation to matters connected with particular circumstances.**]**

Annotations

Amendments:

F369 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F370[Notice of investigation

148V. —(1) The authorised officer appointed by the Board under *section 148U* shall, subject to *subsection (2)*, as soon as is practicable after being so appointed—

(*a*) if the investigation arises following receipt of a complaint by the Board—

(i) give notice in writing to the landlord in relation to whose improper conduct the complaint relates of the receipt of the complaint and setting out particulars of the complaint,

(ii) give the landlord copies of any documents relevant to the investigation, and

(iii) without prejudice to the generality of *section 148S*, afford to the landlord an opportunity to respond within 21 days from the date on which the landlord received the notice referred to in *subparagraph (i)*, or such further period not exceeding 21 days as the authorised officer allows, to the complaint,

(*b*) if the investigation arises on the volition of the Board—

(i) give notice in writing to the landlord concerned of the matters to which the investigation relates,

(ii) give the landlord copies of any documents relevant to the investigation, and

(iii) without prejudice to the generality of *section 148S*, afford the landlord an opportunity to respond, within 21 days from the date on which the landlord received the notice referred to in subparagraph (i), or such further period not exceeding 21 days as the authorised officer allows, to the matter to which the investigation relates.

(2) The notice under *paragraph (a)* or *(b)* of *subsection (1)* shall advise the landlord that he or she may acknowledge a contravention under *section 148W*.

(3) Where an investigation arises following receipt of a complaint by the Board, the authorised officer appointed to carry out the investigation—

(*a*) shall, as soon as is practicable, give the complainant a copy of the notice referred to in *subsection (1)(a)(i)* given to the landlord in relation to whose improper conduct the complaint relates, and

(*b*) shall make reasonable efforts to ensure that the complainant is kept informed of progress on the investigation.**]**

Annotations

Amendments:

F370 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F371[Acknowledg-ment of contravention

148W.—(1) A landlord may, within 21 days of receipt of a notice under *section 148V(1)*, acknowledge to the authorised officer that improper conduct by the landlord has occurred or is occurring.

(2) On receipt of an acknowledgment by the landlord under *subsection (1)* the authorised officer shall submit a copy of the notice to the landlord under *paragraph (a)* or *(b)* of *section 148V(1)*, together with the acknowledgment of the landlord to the decision maker appointed by the Board under *section 148U*.

(3) On receipt of the documents and information under *subsection (2)* the decision maker shall determine, in accordance with this Part, what if any sanction shall be imposed on the landlord.**]**

Annotations

Amendments:

F371 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F372[Investigation report and decision

148X.—(1) Subject to *subsection (3)*, where an authorised officer has completed an investigation, the authorised officer shall, as soon as is practicable after having considered, in so far as they are relevant to the investigation, any information or records provided to the authorised officer pursuant to any requirement under *section 148S*, any statement or admission made by any person pursuant to any requirement under that section, any submissions made and any evidence presented (whether at an oral hearing referred to in *section 148S(14)* or otherwise)—

(*a*) prepare a draft of the investigation report, and

(*b*) give to the landlord to whom the investigation relates and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the draft of the investigation report,

(ii) a copy of this section, and

(iii) a notice in writing stating that the landlord and complainant (if any) may, not later than 21 days from the date on which the notice was respectively received by them, or such further period not exceeding 21 days as the authorised officer allows, each make submissions in writing to the authorised officer on the draft of the investigation report.

(2) Subject to *subsection (3)*, an authorised officer who has complied with *subsection (1)* shall, as soon as is practicable after—

(*a*) the expiration of the period referred to in *subsection (1)(b)(iii)*, and

(*b*) having—

(i) considered the submissions (if any) referred to in *subsection (1)(b)(iii)* made before the expiration of that period on the draft of the investigation report concerned, and

(ii) made any revision to the draft of the investigation report which, in the opinion of the authorised officer, is warranted following such consideration,

prepare the final form of the investigation report and submit it to the decision maker appointed by the Board under *section 148U* with any such submissions annexed to the report.

(3) Where an authorised officer states, whether in a draft of the investigation report or in the final form of the investigation report, that he or she is satisfied that improper conduct by the landlord has occurred or is occurring, the authorised officer shall not make any recommendation, or express any opinion, in the report as to the sanction that he or she thinks ought to be imposed on the landlord in respect of such improper conduct in the event that the decision maker is also satisfied that improper conduct by the landlord has occurred or is occurring.

(4) Subject to *subsection (6)*, where the decision maker has considered an investigation report (and any submissions annexed thereto) submitted to him or her under *subsection (2)*, he or she shall decide to do one of the following:

(*a*) if he or she is satisfied that improper conduct by the landlord has occurred or is occurring, may, subject to *subsection (9)* and *section 148Z* impose a sanction on the landlord as he or she thinks fit in the circumstances of the case;

(*b*) if he or she is not satisfied that improper conduct by the landlord has occurred or is occurring but is of the opinion that a further investigation of the landlord is warranted, shall direct the Board to cause a further investigation on the matters to which, in the opinion of the decision maker the further investigation should relate;

(*c*) if he or she is not satisfied that improper conduct by the landlord has occurred or is occurring and is not of the opinion that a further investigation of the landlord is warranted, and the investigation arose—

(i) following the receipt of a complaint by the Board, shall dismiss the complaint,

(ii) on the volition of the Board, shall decide that no further action under this Part is warranted.

(5) Subject to *subsection (7)*, where the decision maker has considered an acknowledgment by a landlord under *section 148W(1)* submitted to him or her under *section 148W(2)* he or she may decide, subject to *subsection (9)* and *section 148Z*, to impose a sanction on the landlord as he or she thinks fit in the circumstances of the case.

(6) Where the decision maker has considered an investigation report (and any submissions annexed thereto) submitted to him or her under *subsection (2)*, the decision maker may, if he or she considers it proper to do so for the purposes of assisting him or her to make a decision under *subsection (4)*, or for the purposes of observing fair procedures, for those purposes—

(*a*) conduct an oral hearing and give to the landlord and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the investigation report (and any submissions annexed thereto), and

(ii) a notice in writing stating that the landlord and complainant may, not later than 14 days from the date on which the notice was respectively received by them, or such further period not exceeding 14 days as the decision maker allows, each make submissions in writing to the decision maker on the investigation report,

or

(*b*) give to the landlord and, if the investigation arose following receipt of a complaint, the complainant a copy of the investigation report and the notice referred to in *paragraph (a)(ii)*.

(7) Where the decision maker has considered an acknowledgment under *section 148W(1)* submitted to him or her under *section 148W(2)* the decision maker may,

if he or she considers it proper to do so for the purposes of assisting him or her to make a decision under *subsection (5)* or for the purposes of observing fair procedures—

(*a*) conduct an oral hearing and give to the landlord and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the acknowledgment by the landlord, and

(ii) a notice in writing stating that the landlord and complainant may, not later than 14 days from the date on which the notice was respectively received by them, or such further period not exceeding 14 days as the decision maker allows, each make submissions in writing to the decision maker on the acknowledgment by the landlord under *section 148W(1)*,

or

(*b*) give to the landlord and, if the investigation arose following receipt of a complaint, the complainant a copy of the acknowledgement by the landlord and the notice referred to in *paragraph (a)(ii)*.

(8) *Part 2* of *Schedule 3* shall have effect for the purposes of an oral hearing referred to in *subsection (6)(a)* or *(7)(a)*.

(9) Where *subsection (4)(a)* or *(5)* applies, the decision maker shall in deciding the sanction to be imposed on the landlord take into consideration the matters referred to in *section 148AD*.

(10) The decision maker shall, as soon as practicable after making a decision under *subsection (4)* or *(5)*, give notice in writing of the decision and the reasons for it to the Board.

(11) In this section, "sanction" in relation to improper conduct, means one, more than one, or all of the following:

(*a*) a direction in writing to the landlord to pay to the Board a sum specified in the direction not exceeding €15,000, by way of financial penalty for the improper conduct by the landlord specified in the direction;

(*b*) a direction in writing to the landlord to pay to the Board a sum specified in the direction not exceeding €15,000, being all or part of the costs incurred by the Board in investigating the matter to which the direction relates;

(*c*) the giving of a caution in writing to the landlord.**]**

Annotations

Amendments:

F372 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F373**[**Receipt of decision by Board

148Y.—(1) On receipt of the notice of the decision under *section 148X(10)* the Board shall prepare a written record of it (in this section referred to as a "decision notice") and issue it to the landlord.

(2) If the decision maker has made a decision to impose a sanction under *subsection (4)(a)* or *(5)* of *section 148X* the decision notice shall set out—

(*a*) the sanction imposed on the landlord for the improper conduct by the landlord in respect of which the decision maker is satisfied under *subsection (4)(a)* or *(5)* of *section 148X*, and

(*b*) the reasons for the imposition of the sanction as the case may be.

(3) If the decision maker has given a direction to the Board under *section 148X(4)(b)* the Board shall cause a further investigation to be carried out under *section 148V(1)*.

(4) The decision notice under *subsection (2)* shall inform the landlord when, subject to *section 148Z*, the decision under *subsection (4)(a)* or *(5)* of *section 148X* shall become binding.

(5) Where the decision of the decision maker under *section 148X(4)* or *148X(5)* relates to an investigation which arose following receipt of a complaint by the Board, the Board shall give the complainant a copy of the decision notice given or to be given to the landlord at the same time as the notice is given to the landlord or as soon as practicable thereafter.**]**

Annotations

Amendments:

F373 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F374**[**Decision and requirement of confirmation

148Z.—(1) The landlord has a right to appeal the decision to impose a sanction under *subsection (4)(a)* or *(5)* of *section 148X* in accordance with *section 148AA*.

(2) The decision to impose a sanction under *subsection (4)(a)* or *(5)* of *section 148X* shall not take effect unless it is confirmed by the Circuit Court on appeal under *section 148AA*, or under *section 148AB*.**]**

Annotations

Amendments:

F374 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F375**[**Appeal to Circuit Court against decision to impose sanction

148AA.—(1) A landlord the subject of a decision under *subsection (4)(a)* or *(5)* of *section 148X* by the decision maker to impose a sanction on the landlord may, not later than 21 days from the giving by the Board to the landlord of the decision notice, appeal to the Circuit Court against the decision.

(2) The Circuit Court may, on the hearing of an appeal under *subsection (1)* by a landlord, consider any evidence adduced or argument made, whether or not adduced or made to an authorised officer or the decision maker.

(3) Subject to *subsection (4)*, the Circuit Court may, on the hearing of an appeal under *subsection (1)* by a landlord—

(*a*) either—

(i) confirm the decision the subject of the appeal,

(ii) set aside the decision the subject of the appeal, or

(iii) set aside that decision and replace it with such other decision as the Court considers appropriate, which may be a decision—

(I) to impose a different sanction on the landlord, or

(II) to impose no sanction on the landlord,

and

(*b*) make such order as to costs as it thinks fit in respect of the appeal.

(4) The Circuit Court shall, for the purposes of *subparagraph (i)* or *(iii)(I)* of *subsection (3)(a)*, take into consideration the matters referred to in *section 148AD*.

(5) An appeal under *subsection (1)* shall be brought before a judge of the Circuit Court for the time being assigned to the Circuit in which the appellant resides or carries on any profession, trade or business.**]**

Annotations

Amendments:

F375 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F376**[**Application to Circuit Court to confirm decision to impose sanction

148AB.—(1) Where a landlord does not, within the period allowed under *section 148AA(1)*, appeal to the Circuit Court against a decision under *subsection (4)(a)* or *(5)* of *section 148X* by the decision maker to impose a sanction on the landlord, the Board shall, as soon as is practicable after the expiration of that period and on notice to the landlord, make an application in a summary manner to the Circuit Court for confirmation of the decision.

(2) The Circuit Court shall, on the hearing of an application under *subsection (1)*, confirm the decision under *subsection (4)(a)* or *(5)* of *section 148X* the subject of the application unless the Court considers that there is good reason not to do so.

(3) An application under *subsection (1)* shall be made to a judge of the Circuit Court for the time being assigned to the Circuit in which the landlord to whom the decision concerned applies resides or carries on any profession, trade or business.**]**

Annotations

Amendments:

F376 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F377**[**Provisions supplementary to *sections 148AA* and *148AB*

148AC.—(1) The decision of the Circuit Court on an appeal under *section 148AA* or an application under *section 148AB* is final except that the Board or the landlord the subject of the decision may, by leave of the Circuit Court, appeal against the decision to the High Court on a point of law.

(2) Where the Circuit Court confirms or gives a decision under *section 148AA(3)* or *148AB(2)*, the Board shall, as soon as is practicable after the decision is confirmed or given, as the case may be, give notice in writing of the decision to the landlord.

(3) The Board may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable any amount due and owing to the Board pursuant to a decision confirmed or given under *section 148AA(3)* or *148AB(2)* by the Circuit Court.

(4) All payments made to the Board of any amount due to the Board pursuant to a decision confirmed or given under *section 148AA(3)* or *148AB(2)* by the Circuit Court shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform may direct.

(5) Where an investigation arose following receipt of a complaint by the Board, the Board shall give to the complainant a copy of a notice given or to be given under *subsection (2)* to a landlord at the same time as the notice is given to the landlord or as soon as is practicable thereafter.**]**

Annotations

Amendments:

F377 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F378**[**Matters to be considered in determining nature of sanction

148AD.—The Circuit Court or the decision maker, as appropriate, in considering the sanction (if any) to be imposed on a landlord pursuant to *subsection (4)(a)* or *(5)* of *section 148X* or confirmed or given under *section 148AA(3)* or *148AB(2)*, shall take into account the circumstances of the improper conduct concerned (including the factors occasioning it) and, without prejudice to the generality of the foregoing, may have regard to—

(*a*) the need to ensure that any sanction imposed—

(i) is appropriate and proportionate to the improper conduct,

(ii) if applicable, will act as a sufficient incentive to ensure that any like improper conduct will not occur in the future, and

(iii) if applicable, will act in the public interest to encourage compliance with this Act,

(*b*) the seriousness of the improper conduct,

(*c*) if the landlord has, under *section 148W(1)*, acknowledged the improper conduct,

(*d*) the extent of any failure by the landlord to co-operate with the investigation concerned of the improper conduct by the landlord,

(*e*) any explanation by the landlord for the improper conduct or failure to co-operate with the investigation concerned,

(*f*) any gain (financial or otherwise) made by the landlord or by any person in which the landlord has a financial interest as a consequence of the improper conduct,

(*g*) the amount of any loss suffered or costs incurred as a result of the improper conduct and any steps taken by the landlord to remediate the loss suffered or costs incurred,

(*h*) the duration of the improper conduct,

(*i*) if applicable, a re-occurrence of the improper conduct by the landlord,

(*j*) if applicable, the continuation of the improper conduct after the landlord was notified of the investigation concerned,

(*k*) if applicable, the extent and timeliness of any steps taken to end the improper conduct and any steps taken for remedying the consequences of the improper conduct, and

(*l*) whether a sanction has previously been imposed under this Part on the landlord on foot of a similar occurrence of improper conduct.**]**

Annotations

Amendments:

F378 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F379[Publication of sanctions

148AE.—The Board shall publish particulars, in such form and manner and for such period as it thinks fit of any imposition of a sanction on a landlord under *section 148AA(3)* or *148AB(2)*.]

Annotations

Amendments:

F379 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

F380[Procedural rules

148AF.—(1) The procedure to be followed under this Part in relation to an investigation shall, subject to this Part, be such as shall be determined by the Board by rules made by it with the consent of the Minister.

(2) Without prejudice to the generality of *subsection (1)*, rules under this section may—

(*a*) specify any forms to be used under this Part by a complainant, landlord, authorised officer or decision maker, and

(*b*) specify the period within which, in relation to a complaint the Board shall appoint an authorised officer or decision maker under *section 148U*.

(3) Subject to this Part and rules under this section, the procedure for carrying out an investigation by an authorised officer or making a decision by a decision maker shall be such as the authorised officer or decision maker considers appropriate in all the circumstances of the case.

(4) The authorised officer or decision maker shall perform his or her functions without undue formality where that is consistent with the due performance of those functions.]

Annotations

Amendments:

F380 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 236 of 2019.

F381[Relationship between investigation and criminal proceedings

148AG.—(1) If a sanction is imposed on a landlord under *section 148AA(3)* or *148AB(2)* and the improper conduct in respect of which the sanction is imposed is an offence under this Act, the landlord is not liable to criminal proceedings for the offence in respect of the improper conduct concerned.

(2) If criminal proceedings have been or are being brought against a landlord and the offence in respect of which the proceedings have been or are being brought is improper conduct, a sanction may not be imposed on the landlord under *section 148AA(3)* or *148AB(2)* in respect of the offence concerned.

(3) An acknowledgment by a landlord under *section 148W(1)* is not admissible against the landlord in criminal proceedings other than criminal proceedings for an offence under *section 148S(16)*.]

Annotations

Amendments:

F381 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 286 of 2019.

PART 8

PRIVATE RESIDENTIAL TENANCIES BOARD

CHAPTER 1

Establishment and principal functions of Board

Establishment day.

149.—The Minister shall by order appoint a day to be the establishment day for the purposes of this Part.

Annotations

Editorial Notes:

E177 Power pursuant to section exercised (1.09.2009) by *Residential Tenancies Act 2004 (Establishment Day) Order 2004* (S.I. No. 525 of 2004).

2. The 1st day of September 2004 is appointed as the establishment day for the purposes of Part 8 of the Residential Tenancies Act 2004.

Establishment of Board.

150.—(1) On the establishment day there shall stand established a board to be known as An Bord um Thionóntachtaí Cónaithe Príobháideacha or, in the English language, the Private Residential Tenancies Board (in this Act referred to as "the Board") to perform the functions conferred on it by this Act.

(2) The Board shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and, with the consent of the Minister, to acquire, hold and dispose of land, or an interest in land and to acquire, hold and dispose of any other property.

(3) The Board shall, subject to the provisions of this Act, be independent in the performance of its functions.

(4) The Board shall have all such powers as are necessary or expedient for or incidental to the performance of its functions under this Act.

Annotations

Modifications (not altering text):

C95 Board renamed as Residential Tenancies Board (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(1), S.I. No. 151 of 2016.

Change of name of Board

13. (1) The board established under section 150 of the Principal Act shall, on and from the commencement of this section, be re-named An Bord um Thionóntachtaí Cónaithe or, in the English language, the Residential Tenancies Board.

...

(3) In any enactment or any instrument under an enactment, references to the Private Residential Tenancies Board shall be construed as references to the Residential Tenancies Board.

Functions of Board.

151.—(1) The principal functions of the Board shall be—

(*a*) the resolution of disputes between tenants and landlords in accordance with the provisions of *Part 6*,

(*b*) the registration of particulars in respect of tenancies in accordance with the provisions of *Part 7*,

F382**[**(*ba*) the investigation of landlords and the imposition of sanctions in accordance with the provisions of *Part 7A*,**]**

(*c*) the provision to the Minister of advice concerning policy in relation to the F383**[**...**]** rented sector,

F384**[**(*ca*) F385**[**...**]]**

F384**[**(*cb*) the publication of statistics under *section 114A*,**]**

(*d*) the development and publication of guidelines for good practice by those involved in the F383**[**...**]** rented sector,

(*e*) the collection and provision of information relating to the F383**[**...**]** rented sector, including information concerning prevailing rent levels,

(*f*) where the Board considers it appropriate, the conducting of research into the F383**[**...**]** rented sector and monitoring the operation of various aspects of the F383**[**...**]** rented sector or arranging for such research and monitoring to be done,

F386**[**(*fa*) the performance of the functions transferred to it by section 76 of the Residential Tenancies (Amendment) Act 2015,**]**

(*g*) the review of the operation of this Act (and, in particular, *Part 3*) and any related enactments and the making of recommendations to the Minister for the amendment of this Act or those enactments,

(*h*) the performance of any additional functions conferred on the Board under *subsection (3)*.

(2) The Board shall provide information to the Minister on such matters related to its functions and the F383**[**...**]** rented sector as may be requested by the Minister from time to time.

F387**[**(2A) (*a*) The Minister shall, not earlier than 12 months and not later than 15 months after the commencement of section 22 of the Residential Tenancies (Amendment) Act 2019, request the Board to provide him or her with such information in relation to prevailing rent levels in the rented sector (other than lettings referred to in *paragraph (b)* of the definition of that term) as he or she may specify by such date (which shall be a date that falls not later than 3 months after the date of the request concerned) as he or she may specify.

(*b*) The Board shall comply with a request under *paragraph (a)*.

(*c*) The Minister shall, not later than 3 months after the date specified under *paragraph (a)* in respect of the request concerned—

(i) prepare a report in relation to prevailing rent levels in the rented sector (other than lettings referred to in *paragraph (b)* of the definition of that term), and

(ii) lay a copy of that report before each House of the Oireachtas.**]**

(3) The Minister may, if he or she so thinks fit or if so requested by another Minister of the Government, after consultation with—

(*a*) the Board,

(*b*) that other Minister of the Government, and

(*c*) the Minister for Finance,

by order—

(i) confer on the Board such additional functions connected with the functions for the time being of the Board or activities that the Board is authorised for the time being to undertake as he or she considers appropriate,

(ii) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Board of functions under this subsection or the performance by the Board of functions so conferred.

F388**[**(4) In this section "rented sector" means—

(*a*) the sector of commercial activity in the State consisting of the letting of dwellings, and

(*b*) the letting, by approved housing bodies, of dwellings, referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), to households referred to in that subsection.**]**

Annotations

Amendments:

F382 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 29(a), S.I. No. 236 of 2019.

F383 Deleted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(4)(b), (c), S.I. No. 151 of 2016.

F384 Inserted (24.12.2016) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 50, commenced as per s. 1(3)(b). Note that the amending section refers to s. 151 and not to s. 151(1).

F385 Deleted (1.03.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 23, S.I. No. 67 of 2026.

F386 Inserted (8.01.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 77, S.I. No. 4 of 2016.

F387 Inserted (4.04.2022) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 29(b), S.I. No. 167 of 2022.

F388 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(4)(d), S.I. No. 151 of 2016.

F389 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 65, not commenced as of date of revision.

Modifications (not altering text):

C96 Prospective affecting provision: subs. (1)(ba), (bb) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 65, not commenced as of date of revision.

F389**[**(*ba*) to retain deposits transmitted to it in accordance with this Act in one or more designated tenancy deposit accounts and to return the deposits to the parties concerned in accordance with this Act,

(*bb*) to retain the interest that accrues on a designated tenancy deposit account and use it to meet the costs of the performance by it of its functions under this Act,**]**

C97 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in operation as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 27 of 2004	Residential Tenancies Act 2004	Sections 151(3)(c), 157(4), 164(5) and 174
...	...	...

Model lease.

152.—(1) Guidelines published under *section 151(1)(d)* may include a precedent for a model lease of a dwelling.

(2) Such a precedent shall—

(*a*) contain all of the provisions necessary to make the lease of the dwelling concerned an instrument which is consistent with this Act and any other relevant enactments,

(*b*) be worded, so far as is practicable, in plain language, and

(*c*) to the extent necessary having regard to the requirements of *paragraph (a)*, contain provisions best calculated to ensure harmonious relations between the parties to the lease as regards their conduct towards one and another in their capacity as such parties.

CHAPTER 2

Composition of Board

Membership of Board.

153.—(1) The members of the Board shall be such number, not less than 9 and F390**[**not more than 12**]**, as the Minister considers appropriate from time to time.

(2) The members of the Board shall be appointed by the Minister as soon as may be after the establishment day and shall be persons who, in the Minister's opinion, have experience in a field of expertise relevant to the Board's functions.

(3) Except as provided for by *subsection (2)*, the members of the Board shall be appointed from time to time as occasion requires by the Minister.

(4) The Minister shall, in so far as is practicable, ensure an equitable balance between the numbers of members of the Board who are women and the number of them who are men.

(5) The Minister when appointing a member shall fix such member's period of membership which shall not exceed 5 years and, subject to this section, membership shall be on such terms as the Minister may determine.

(6) The members of the Board (including the chairperson) may be paid such remuneration as the Minister, with the consent of the Minister for Finance, may determine.

Annotations

Amendments:

F390 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 66, S.I. No. 119 of 2016.

Supplemental provisions as to membership of Board.

154.—(1) A member of the Board may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified in the letter or upon receipt of the letter by the Minister, whichever is the later.

(2) A member of the Board may, at any time, be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Board of its functions.

(3) A person shall cease to be, and shall be disqualified from being, a member of the Board where he or she—

(*a*) is adjudicated bankrupt,

(*b*) makes a composition or arrangement with creditors,

(*c*) is sentenced by a court of competent jurisdiction to a term of imprisonment, or

(*d*) is disqualified or restricted from being a director of any company.

(4) If a member of the Board dies, resigns, becomes disqualified or is removed from membership, the Minister may appoint a person to be a member of the Board and fill the casual vacancy so caused.

(5) A member of the Board whose term of membership of the Board expires shall be eligible for re-appointment as a member of the Board.

Chairperson of Board.

155.—(1) The Minister shall appoint a person, from among the members of the Board, as chairperson of the Board.

(2) Where the chairperson of the Board ceases to be a member of the Board he or she shall also thereupon cease to be chairperson of the Board.

(3) The chairperson of the Board may at any time resign his or her office as chairperson of the Board while continuing to serve as a member of the Board and the resignation, unless previously withdrawn, shall take effect at the commencement of the meeting of the Board held after the Board has been informed by the Minister of the resignation.

(4) The chairperson of the Board shall, unless he or she sooner dies or otherwise ceases to be chairperson by virtue of *subsection (2)*, hold office until the expiry of his or her period of membership of the Board and, if re-appointed as a member of the Board, shall be eligible for re-appointment as chairperson of the Board.

CHAPTER 3

Meetings and committees

Meetings of Board.

156.—(1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The Minister shall fix the date, time and place of the first meeting of the Board and the Board shall fix the date, time and place of subsequent meetings.

(3) The quorum for a meeting of the Board F391**[**shall be 4**]**.

(4) At a meeting of the Board the chairperson of the Board shall, if present, chair the meeting and if not present, or if the office of chairperson is vacant, the members of the Board present at the meeting shall choose one of their number to chair the meeting.

(5) At a meeting of the Board each person present, including the chairperson, shall have a vote and any question on which a vote is required so as to establish the Board's position on a matter shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of the votes, the chairperson of the meeting shall have a second and casting vote.

(6) The Board may act notwithstanding one or more vacancies among its members (but this subsection is without prejudice to *subsection (3)*).

(7) Subject to the provisions of this Act, the Board may regulate its own procedures and business.

Annotations

Amendments:

F391 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 67, S.I. No. 119 of 2016.

Committees of Board.

157.—(1) The Board may establish committees consisting F392**[**, subject to *subsections (2A)* and *(2B)* (inserted by section 68 of the Residential Tenancies (Amendment) Act 2015),**]** in whole or in part of persons who are members of the Board—

(*a*) to assist and advise the Board on matters relating to any of its functions or on such matters as the Board may from time to time determine, or

(*b*) to perform such functions of the Board as may be delegated by it from time to time.

(2) Without prejudice to the generality of *subsection (1)*, the Board shall establish a committee which shall be known and is in this Act referred to as the "Dispute Resolution Committee".

F392**[**(2A) Subject to *subsection (2B)*, a member of the Board shall not be eligible for appointment to the Dispute Resolution Committee.

(2B) Notwithstanding *subsection (2A)*, the member of the Board who is appointed under *section 155* as chairperson of the Board, shall be the chairperson, and member, of the Dispute Resolution Committee for the period for which he or she is appointed as chairperson of the Board.**]**

(3) The Board, when appointing a member of a committee, shall—

(*a*) have regard to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the committee,

(*b*) have regard to the desirability of such balance between the numbers of each sex on the committee as is appropriate and determined from time to time,

(*c*) fix the member's period of membership (which, in the case of a member of the Dispute Resolution Committee, shall not be less than a period of 3 years),

(*d*) fix the terms of his or her membership.

(4) The members of a committee may be paid by the Board such fees as the Board may determine, subject to the consent of the Minister and the Minister for Finance.

Annotations

Amendments:

F392 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 68, S.I. No. 119 of 2016.

Modifications (not altering text):

C98 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in operation as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 27 of 2004	Residential Tenancies Act 2004	Sections 151(3)(c), 157(4), 164(5) and 174
...	...	...

Supplemental provisions as to committees of Board.

158.—(1) In this section "committee" means a committee established under *section 157*.

(2) A member of a committee may be removed by the Board at any time for stated reasons.

(3) The acts of a committee and the performance by a committee of functions delegated to it under *section 157* shall be subject to confirmation by the Board, unless the Board otherwise determines.

(4) The Board may, subject to this Act, determine the terms of reference and regulate, by standing orders or otherwise, the procedures and business of a

committee including the filling of casual vacancies but, subject to any such regulation, a committee may regulate its own procedures.

(5) A committee shall appoint, from time to time, a chairperson from among its members.

(6) The Board may at any time dissolve a committee.

(7) A committee shall provide the Board with such information as the Board may from time to time require, in respect of its activities and operation, for the purposes of the performance of the functions of the Board.

(8) *Subsections (4)* to *(6)* do not apply to the Dispute Resolution Committee.

Dispute Resolution Committee.

159.—(1) There shall be delegated to the Dispute Resolution Committee by the Board such of the functions of the Board under *Part 6* (except those under *sections 109* F393**[**...**]** and *124*) as the Board determines; functions under that Part may not be delegated to any other committee established under *section 157*.

F394**[**(2) The Dispute Resolution Committee shall consist of not more than 45 members which shall include the chairperson of the Dispute Resolution Committee.**]**

(3) A member of the Board shall not be eligible for appointment as a member of the Dispute Resolution Committee F395**[**...**]**.

F396**[**(3A) When the member of the Board ceases to be the chairperson of the Board he or she shall also cease to be chairperson of the Dispute Resolution Committee.**]**

(4) The members of the Dispute Resolution Committee shall be appointed by the Board after consultation with the Minister.

(5) The Board, after consultation with the Minister, shall appoint a member of the Dispute Resolution Committee as chairperson of the Committee; that member must be a person who is also a member of the Board.

(6) The Dispute Resolution Committee shall adopt, subject to the approval of the Board and the Minister, rules and procedures for the conduct of its meetings and the performance of its functions generally.

(7) A member of staff of the Board shall act as secretary to the Dispute Resolution Committee.

Annotations

Amendments:

F393 Deleted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. no. 13, S.I. No. 266 of 2018.

F394 Substituted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 69(1)(a), S.I. No. 119 of 2016, subject to transitional provision in subs. (2).

F395 Deleted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 69(1)(b), S.I. No. 119 of 2016, subject to transitional provision in subs. (2).

F396 Inserted (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 69(1)(c), S.I. No. 119 of 2016, subject to transitional provision in subs. (2).

Modifications (not altering text):

C99 Application of subss. (3), (4) and (5) restricted (28.01.2009) by *Residential Tenancies (Amendment) Act 2009* (2/2009), s. 2, commenced on enactment.

Validation of appointments to Dispute Resolution Committee and related matters.

2.— (1) Notwithstanding any contravention of subsection (3), (4) or (5) of section 159 of the Principal Act—

(*a*) every appointment, or purported appointment, to the Dispute Resolution Committee made before the passing of this Act shall be deemed to have been validly made, and

(*b*) each Tenancy Tribunal constituted, or purporting to have been constituted, under section 102 of the Principal Act before the passing of this Act shall be deemed to have been validly constituted.

(2) Every act done, or purporting to have been done, by the Dispute Resolution Committee or a Tenancy Tribunal before the passing of this Act, that would, but for this subsection, be invalid by reason only of a contravention of subsection (3), (4) or (5) of section 159 of the Principal Act, shall be, and be deemed always to have been, valid and effectual for all purposes.

...

CHAPTER 4

Management of Board

Director of Board.

160.—(1) There shall be a chief officer of the Board who shall be known and is referred to in this Act as the "Director".

(2) The Director shall be appointed by the Board in accordance with procedures that have been determined by the Board with the consent of the Minister.

(3) The first appointment by the Board of a person to be the Director shall be made within 3 years from the establishment day.

(4) The Director may, at any time, for stated reasons be removed from office by the Board with the consent of the Minister.

(5) The Director shall carry on, manage and control generally the administration and business of the Board and perform such other functions as may be determined by the Board.

(6) The Director shall hold office for such period and upon and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be determined from time to time by the Minister, after consultation with the Board and with the consent of the Minister for Finance.

Supplemental provisions in relation to Director.

161.—(1) The Director shall perform his or her functions subject to such policies as may be determined from time to time by the Board and shall be answerable to the Board for the efficient and effective management of the Board and for the due performance of his or her functions.

(2) The Director may delegate any of his or her functions to a member of staff of the Board (other than functions that have been delegated to the Director subject to a condition that they are not to be sub-delegated), and the member of staff shall be accountable to the Director for the performance of the functions so delegated.

(3) Notwithstanding *subsection (2)*, the Director shall at all times remain accountable to the Board for the performance of functions delegated by him or her.

(4) The Director may make proposals to the Board on any matter relating to the activities of the Board.

(5) The Director shall not be a member of the Board or of any committee of the Board, but he or she may, in accordance with procedures established by the Board or a committee, as the case may be, attend meetings of the Board or the committee or both and shall be entitled to speak at and advise such meetings.

CHAPTER 5

Staff of Board and superannuation matters

Staff of Board.

162.—(1) In addition to the Director, the Board may, from time to time, appoint such and such number of persons to be members of the staff of the Board as it may determine with the consent of the Minister and the Minister for Finance.

(2) The grades of the staff of the Board, the numbers of staff in each grade and the appropriate level of remuneration for each grade shall be determined by the Board with the consent of the Minister and the Minister for Finance.

(3) Subject to such conditions as it thinks fit, the Board may delegate to the Director any of the functions of the Board in relation to the employment of staff and the determination of selection procedures.

(4) The staff of the Board shall—

(*a*) be paid out of moneys available to the Board,

(*b*) perform such functions as determined from time to time by the Director, and

(*c*) hold office or employment for such period and upon and subject to such terms and conditions as may be determined from time to time by the Director, with the consent of the Minister and the Minister for Finance.

(5) Every member of the staff of the Minister designated by order made by the Minister for the purposes of this section shall, on being so designated, be transferred to and become a member of the staff of the Board.

(6) The Minister may make an order for the purposes of *subsection (5)* at any time but shall not do so without first having—

(*a*) notified in writing any recognised trade union or staff association concerned of the Minister's intention to do so, and

(*b*) considered, within such time as may be specified in the notification, any representations made by such trade unions or staff associations in relation to the matter.

(7) Except in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in *subsection (5)* shall not, while in the service of the Board, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service than the scale of pay to which he or she was entitled and the terms and conditions of service to which he or she was subject immediately before his or her transfer into such service.

Superannuation.

163.—(1) As soon as practicable after the establishment day, the Board shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of the Board as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted by the Board under this section shall, if approved by the Minister, with the consent of the Minister for Finance, be carried out by the Board in accordance with its terms.

(5) Superannuation benefits granted under schemes under this section to persons, who immediately before their being designated by an order under *section 162*, were members of the staff of the Minister, and the terms and conditions relating to those benefits, shall not be less favourable to those persons than those to which they were entitled immediately before such designation.

(6) No superannuation benefit shall be granted by the Board nor shall any other arrangements be entered into by the Board for the provision of such a benefit to or in respect of a member of the staff of the Board otherwise than in accordance with a scheme under this section or, if the Minister, with the consent of the Minister for Finance, sanctions the granting of such a benefit, in accordance with that sanction.

(7) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(8) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Annotations

Editorial Notes:

E178 Power pursuant to subs. (1) exercised with retrospective effect (1.09.2004) by *Private Residential Tenancies Board Superannuation Scheme 2011* (S.I. No. 625 of 2011), in operation as per art. (2).

CHAPTER 6

Appointment or engagement of certain persons

Mediators and adjudicators.

164.—(1) The Board may from time to time appoint such and so many persons who shall be known and are in this Act referred to as "mediators" to carry out the functions assigned to them by the Board in accordance with *Part 6*.

(2) The Board may from time to time appoint such and so many persons who shall be known and are in this Act referred to as "adjudicators" to carry out the functions assigned to them by the Board in accordance with *Part 6*.

(3) The Board may appoint a person as both a mediator and an adjudicator.

(4) The Board shall form 2 panels, one comprising the names of the persons who stand appointed as mediators and the other comprising the names of the persons who stand appointed as adjudicators.

(5) Mediators and adjudicators shall each be appointed for such period (not being less than 3 years) as the Board may determine and shall be paid such fees and expenses as the Board, with the consent of the Minister and of the Minister for Finance, may determine from time to time; the other terms and conditions on which each of them shall stand appointed shall be such as the Board may determine from time to time.

(6) Those other terms and conditions shall, in relation to adjudicators, include such terms and conditions as are likely, in the opinion of the Board, to secure the independence and impartiality of the adjudicators.

(7) A mediator or adjudicator may at any time resign from his or her appointment as mediator or adjudicator.

(8) Neither the Civil Service Commissioners Act 1956 (or any enactment that replaces in whole or in part that Act) nor the Civil Service Regulation Acts 1956 to 1996 shall apply to a mediator or an adjudicator.

Annotations

Modifications (not altering text):

C100 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in operation as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 27 of 2004	Residential Tenancies Act 2004	Sections 151(3)(c), 157(4), 164(5) and 174
...	...	...

F397[Authorised officers and decision makers

164A. (1) For the purposes of *Part 7A* the Board shall appoint, as it thinks fit—

(*a*) a person to be an authorised officer, and

(*b*) a person to be a decision maker.

(2) A person appointed under *subsection (1)(a)* may be a member of staff of the Board.

(3) A person shall not at the same time stand appointed as both an authorised officer and a decision maker.

(4) The Board shall form 2 panels, one comprising the names of persons who stand appointed as authorised officers and one comprising the names of persons who stand appointed as decision makers.

(5) Other than an appointment of a person referred to in *subsection (2)*, an appointment under *subsection (1)* shall be for such period and subject to such terms (including terms as to remuneration and allowances for expenses) as the Board, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, may determine.

(6) Each authorised officer or decision maker shall be given a warrant of appointment by the Board and when exercising a power conferred on him or her under *Part 7A* shall, if requested by a person affected by the exercise of the power, produce the warrant or a copy of it together with a form of personal identification.

(7) An authorised officer or decision maker may at any time resign from his or her appointment as an authorised officer or decision maker.

(8) An appointment under this section as an authorised officer or decision maker shall cease—

(*a*) if the Board revokes the appointment,

(*b*) if the appointment is for a fixed period, on the expiry of that period, or

(*c*) if the authorised officer or decision maker resigns.**]**

Annotations

Amendments:

F397 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 28, S.I. No. 236 of 2019.

Editorial Notes:

E179 The section heading is taken from the amending section in the absence of one included in the amendment.

Removal of an adjudicator from the panel.

165.—(1) The Board may, in accordance with this section, remove an adjudicator from the panel formed under *section 164(4)* ("the panel").

(2) If it appears to the Board that an adjudicator has been guilty of misconduct in his or her capacity as an adjudicator, it may apply to the District Court for an order under *subsection (3)* authorising the removal of the adjudicator from the panel.

(3) On the hearing of an application under this section and having considered the evidence adduced by the Board in the matter and any evidence adduced by or on behalf of the adjudicator, the District Court shall, if it finds that the adjudicator has been guilty of misconduct in his or her capacity as an adjudicator, make an order authorising the Board to remove the adjudicator from the panel.

(4) On the making of such an order (or, if the order is appealed to the Circuit Court and the Circuit Court confirms the order, on the order being so confirmed), the Board shall remove the adjudicator from the panel.

(5) Save where the period of his or her appointment has expired or a failure (not amounting to misconduct) by him or her to comply with the terms and conditions upon which he or she was appointed occurs, an adjudicator shall not be removed from the panel otherwise than in accordance with this section or with his or her consent.

(6) In this section "misconduct" means any conduct likely to bring the procedures for determinations by adjudicators under *Part 6* into disrepute and includes—

(*a*) any demonstration by an adjudicator of bias towards the interests of a party before him or her,

(*b*) gross discourtesy by an adjudicator to one or more of the parties before him or her, and

(*c*) wilful failure by an adjudicator to attend to his or her duties as an adjudicator.

Consultants and advisers.

166.—(1) Subject to such conditions (if any) as may for the time being stand specified by the Minister for the purposes of this section, the Board may from time to time engage such consultants or advisers as it may consider necessary for the performance of its functions and any fees due to a consultant or adviser engaged pursuant to this section shall be paid by the Board out of moneys at its disposal.

(2) Any person who wishes to be engaged by the Board as a consultant or adviser pursuant to this section may notify the Board in writing of this fact and any notification for that purpose shall include particulars of the person's qualifications and experience.

(3) The Board shall maintain a list of the persons who notify the Board pursuant to *subsection (2)*.

(4) The Board shall, in engaging a consultant or adviser under this section, have regard to the list maintained under *subsection (3)*, but nothing in this subsection shall be construed as precluding the Board from engaging as a consultant or adviser a person whose name is not on that list.

(5) The Board shall include in its annual report under *section 180* a statement of the names of the persons (if any) engaged pursuant to this section during the year to which the report relates.

Provision of services to Board.

167.—(1) For the purposes of enabling the Board to perform its functions as and from the establishment day, the Minister may, for such period as he or she thinks appropriate, supply to the Board any services, including services of staff, required by the Board and the Board may avail itself of such services for which arrangements are made under this section.

(2) The supply of services of staff under *subsection (1)* may include the supply of services of a person to perform the functions of the Director under this Part and *Part 6*.

(3) For so long as the services of a person are provided for the purpose mentioned in *subsection (2)*—

(*a*) the functions mentioned in that subsection shall be performable by that person, and

(*b*) *sections 160(6)* and *161* shall apply to that person.

CHAPTER 7

Supplemental provisions with regard to Board's administration and management

Indemnification of certain persons.

168.—(1) Where the Board is satisfied that a person to whom this section applies has discharged the functions appropriate to that person in relation to the functions of the Board in good faith, it shall indemnify that person against all actions or claims however they arise in respect of the discharge by that person of those functions.

(2) This section applies to—

(*a*) a member of the Board,

(*b*) a member of a committee of the Board,

(*c*) a member of staff of the Board,

(*d*) a mediator or adjudicator,

F398**[**(*da*) an authorised officer or decision maker appointed under *section 164A*,**]**

(*e*) an adviser or consultant to the Board engaged under *section 166*, and

(*f*) a person whose services are provided to the Board under *section 167*.

Annotations

Amendments:

F398 Inserted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 31, S.I. No. 236 of 2019.

Membership of either House of the Oireachtas, etc.

169.—(1) Where a member of the Board or the Dispute Resolution Committee or a member of the staff of the Board—

(*a*) accepts nomination as a member of Seanad Éireann,

(*b*) is elected to either House of the Oireachtas or to the European Parliament,

(*c*) is regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to that Parliament, or

(*d*) becomes a member of a local authority,

he or she shall thereupon—

(i) in the case of a member of the Board or the Dispute Resolution Committee, cease to be a member of the Board or that Committee,

(ii) in the case of a member of the staff of the Board, stand seconded from employment by the Board for the period specified in *subsection (2)*.

(2) A person who stands seconded under *subsection (1)(ii)* shall not be paid by, or be entitled to receive from, the Board any remuneration in respect of the period commencing on such nomination or election or his or her membership of the local authority or the date on which he or she is so regarded as having been elected, as the case may be, and ending on the date on which he or she ceases to be a member of either such House or such Parliament or such local authority.

(3) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, among other things, the reckoning of a period mentioned in that subsection as service with the Board for the purposes of any superannuation benefits.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament or a member of a local authority shall, while he or she is so entitled or is such a representative or member, be disqualified from becoming a member of the Board or the Dispute Resolution Committee or a member of the staff of the Board.

Disclosure of interests.

170.—(1) Where a member of the Board, a member of a committee of the Board, a member of the staff of the Board or a consultant or adviser engaged under *section 166* has a pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Board or a committee, he or she shall comply with the following requirements:

(*a*) he or she shall disclose to the Board the fact of such interest and the nature of the interest in advance of any consideration of the matter;

(*b*) he or she shall neither influence nor seek to influence a decision in relation to the matter;

(*c*) he or she shall take no part in any consideration of the matter;

(*d*) if he or she is a member of the Board or a committee or both or a member of the staff of the Board, he or she shall withdraw from any meeting concerned for so long as the matter is being discussed or considered and shall not vote or otherwise act as such Board or committee member or member of staff in relation to the matter.

(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest in, or material to, a matter referred to in that subsection if—

(*a*) the person or any member of his or her household, or any nominee of him or her or of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, such a matter,

(*b*) the person or any member of his or her household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter,

(*c*) the person or any member of his or her household is a party to any arrangement or agreement (whether or not enforceable) concerning property to which such a matter relates, or

(*d*) any member of his or her household has a beneficial interest in, or material to, such a matter.

(3) A person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of the person or of any company or of any other body or person mentioned in *subsection (2)* which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter, or in performing any function in relation to that matter.

Section 170: supplemental provisions.

171.—(1) Where at a meeting or proceeding of the Board or a committee of the Board a question arises as to whether or not a course of conduct, if pursued by a person, would constitute a failure by the person to comply with the requirements of *section 170*, then, if the meeting or proceeding is of a committee, it shall be adjourned until the question has been referred to and determined by the Board, and if the meeting is of the Board, the question shall be determined by the Board, whose decision in all cases shall be final, and particulars of the determination shall be recorded in the minutes of the Board's meeting.

(2) Where a disclosure is made under *section 170*, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being considered or discussed by the meeting, the person by whom the disclosure is made, where he or she is a member of the Board, shall not be counted in the quorum for the meeting unless the Board otherwise determines.

(3) A person who contravenes *section 170* is guilty of an offence.

(4) In any proceedings for an offence under *subsection (3)*, it shall be a defence for the defendant to prove that at the time of the alleged offence he or she did not know and had no reason to believe that a matter in which, or in relation to which, he or she had a beneficial interest had fallen to be considered by him or her, by the Board or by a committee of the Board or that the beneficial interest to which the alleged offence relates was one in relation to which a requirement of *section 170* applied.

(5) A member of the Board, or of a committee of the Board, if convicted of an offence under *subsection (3)* shall, on such conviction, cease to be and be disqualified from being such a member.

Disclosure of information.

172.—(1) Save as otherwise provided by law and subject to *subsection (3)*, a person shall not, other than with the consent of the Board, disclose confidential information obtained by him or her while performing (or as a result of having performed) functions as—

(*a*) a member of the Board,

(*b*) a member of the staff of the Board,

(*c*) a member of a committee of the Board,

(*d*) an adviser or consultant to the Board engaged under *section 166*.

(2) A person who contravenes *subsection (1)* is guilty of an offence.

(3) Nothing in *subsection (1)* shall prohibit the disclosure of information by means of a report made to the Board or made by, or on behalf of, the Board to the Minister.

(4) In this section "confidential information" includes—

(*a*) information that is expressed by the Board or a committee of the Board, as the case may be, to be confidential either as regards particular information or as regards information of a particular class or description,

(*b*) proposals of a commercial nature or tenders submitted to the Board by contractors, consultants or any other person,

(*c*) information the disclosure of which is prohibited by virtue of *section 128(4)*.

(5) A member of the Board or of a committee of the Board, if convicted of an offence under *subsection (2)* shall, on such conviction, cease to be and be disqualified from being such a member.

Seal of Board.

173.—(1) The Board shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Board shall be authenticated by the signature of—

(*a*) the chairperson of the Board or another member of the Board authorised by the Board to act in that behalf, and

(*b*) the Director or a member of the staff of the Board authorised by the Board to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the seal of the Board (purporting to be authenticated in accordance with *subsection (2)*) shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.

CHAPTER 8

Financial and accountability provisions

Grants to Board.

174.—The Minister may, in each financial year, after consultation with the Board in relation to its proposed work programme and projected expenditure for that year, make to the Board a grant of such amount, as may be sanctioned by the Minister for Finance, out of moneys provided by the Oireachtas for the purposes of expenditure by the Board in the performance of its functions.

Annotations

Modifications (not altering text):

C101 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in operation as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 27 of 2004	Residential Tenancies Act 2004	Sections 151(3)(c), 157(4), 164(5) and 174
...	...	...

Borrowings by Board.

175.—(1) The Board may, for the purpose of providing for current or capital expenditure, from time to time, borrow money (whether on the security of the assets of the Board or otherwise).

(2) The exercise of this power is subject to the consent of the Minister and the Minister for Finance and to such conditions as they may specify.

Annotations

Modifications (not altering text):

C102 Functions under section transferred to Minister for Public Expenditure (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), ss. 9(2), 20(1) and sch. 2 part 1, S.I. No. 401 of 2011.

Transfer of certain other functions to Minister.

9.— ...

(2) The functions conferred on the Minister for Finance by or under any of the provisions specified in *Part 1* of *Schedule 2* are transferred to the Minister.

...

Performance of certain functions transferred to Minister by section 9.

20.— (1) The Minister shall not perform a function transferred by *subsection (2)* of *section 9* without the consent of the Minister for Finance.

...

SCHEDULE 2

Functions Transferred To Minister

Sections 9 and *20*

PART 1

Functions performable with consent of Minister for Finance

STATUTES

Number and Year	Short Title	Provision

(1)	(2)	(3)
...	...	...
No. 27 of 2004	Residential Tenancies Act 2004	Section 175
...	...	...

Fees.

176.—(1) The Board may charge, receive and recover such fees as the Board may from time to time determine, subject to the consent of the Minister, in relation to the performance by the Board of its functions, the provision by it of services (other than a service consisting of the provision of information or advice to the Minister) and the carrying on by it of activities.

(2) *Subsection (1)* does not apply in respect of any fee provision for the charging for, or payment of, which is made by any other provision of this Act.

(3) Without prejudice to the generality of *subsection (1)*, the Board may charge fees in respect of all or any of the following:

(*a*) access to records of determination orders made under *section 121*,

(*b*) provision of a F399**[**...**]** certified copy of a determination order made under *section 121*,

F400**[**(*ba*) the making of an application under *section 134* which is not made in electronic form,**]**

(*c*) copies of publications produced by the Board,

(*d*) the provision of details of an aggregated nature under *section 131*.

(4) The Board may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable, any amount due and owing to it under this or any other provision of this Act.

(5) Fees received by the Board under this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the F401**[**Minister for Public Expenditure and Reform**]** may direct.

(6) The Public Offices Fees Act 1879 shall not apply to any fees payable under this Act.

Annotations

Amendments:

F399 Deleted (23.07.2018) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 48(2) and sch. part 3 ref. no. 14, S.I. No. 266 of 2018.

F400 Inserted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 21, S.I. No. 151 of 2016.

F401 Substituted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 32, S.I. No. 236 of 2019.

Accounts.

177.—(1) The Director shall submit estimates of income and expenditure of the Board to the Minister in such form, in respect of such periods, and at such times as may be required by the Minister and shall furnish to the Minister any information which the Minister may require in relation to such estimates, including proposals and future plans relating to the discharge by the Board of its functions over a period of years, as required.

(2) The Director shall consult with the Board in performing the functions under *subsection (1)* and may submit to the Minister any estimates, information, proposals

or other matters under that subsection only after obtaining the Board's consent to do so.

(3) The Director, under the direction of the Board, shall cause to be kept on a continuous basis and in a legible or a machine readable form or both all proper books and records of account of all income and expenditure of the Board, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the Board; the Director shall also keep and shall account to the Board for all such special accounts as the Minister or the Board, with the consent of the Minister, may from time to time direct should be kept.

(4) The financial year of the Board shall be the period of 12 months ending on 31 December in any year and, for the purposes of *section 174*, this section and *section 178*, the period commencing on the establishment day and ending on the following 31 December shall be deemed to be a financial year.

Annotations

Amendments:

F402 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 70, not commenced as of date of revision.

Modifications (not altering text):

C103 Prospective affecting provision: subs. (3A) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 70, not commenced as of date of revision.

F402**[**(3A) Without prejudice to *subsection (3)*, for the purpose of the performance by the Board of its functions under *paragraphs (ba)* and *(bb)* of *section 151(1)*, the Director, under the direction of the Board, shall—

(*a*) cause to be kept on a continuous basis and in a legible or a machine readable form, all proper books and records of account of all income and expenditure of the Board pursuant to those functions,

(*b*) keep and shall account to the Board for all designated tenancy deposit accounts as the Minister or the Board, with the consent of the Minister, may from time to time direct should be kept, and

(*c*) cause to be kept on a continuous basis and in a legible or a machine readable form, and keep and shall account to the Board for, all accounts relating to the holding of interest that, pursuant to *section 151(1)(bb)*, has been withdrawn in accordance with *section 177B*, from a designated tenancy deposit account.**]**

F403**[**Designated tenancy deposit account

177A.— ...**]**

Annotations

Amendments:

F403 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 71, not commenced as of date of revision.

Modifications (not altering text):

C104 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 71, not commenced as of date of revision.

F403**[177A.**—(1) The Board shall cause to be maintained one or more bank accounts for the purpose of holding deposits transmitted to it in accordance with this Act (in this Act referred to as a "designated tenancy deposit account") for the purpose of the performance by it of its functions under *paragraph (ba)* of *section 151(1)*.

(2) The Board shall cause to be retained in a designated tenancy deposit account all of the following:

(*a*) a deposit transmitted to it in accordance with this Act;

(*b*) interest that accrues on such designated tenancy deposit account until the interest is withdrawn in accordance with *section 177B*.

(3) The Board shall cause a deposit transmitted to it under *section 134(3A)* to be lodged into a designated tenancy deposit account as soon as practicable following such transmission.

(4) The Board shall not cause to be withdrawn any sum from a designated tenancy deposit account unless the withdrawal—

(*a*) is for the purpose of returning a specified deposit to one or both parties in accordance with this Act, or

(*b*) is made in respect of withdrawing interest under *section 177B*.

(5) Without prejudice to *section 177*, the Board shall cause records of all deposits transmitted to it and lodged in a designated tenancy deposit account to be maintained and shall cause such records to be maintained in a manner that permits a deposit held in a designated tenancy deposit account to be, at all times, attributable to the landlord who transmitted it to the Board and the tenancy to which, and tenant to whom, it relates.

(6) For the avoidance of doubt—

(*a*) references in *section 177(1)* to income and expenditure shall include the income and expenditure arising from the performance by the Board of its functions under *paragraphs (ba)* and *(bb)* of *section 151(1)*, and

(*b*) references in *section 178(1)* to books or other records of account shall include books or other records of account relating to designated tenancy deposit accounts and accounts referred to in *section 177(3A)(c)*.**]**

Editorial Notes:

E180 The section heading is taken from the amending section in the absence of one included in the amendment.

F404**[**Withdrawal by Board of interest from designated tenancy deposit account

177B.— ...**]**

Annotations

Amendments:

F404 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 71, not commenced as of date of revision.

Modifications (not altering text):

C105 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 71, not commenced as of date of revision.

F404**[177B.**—(1) The Board shall, for the purposes of the withdrawal of moneys representing the interest which has accrued on a designated tenancy deposit account, direct the manner in which, and the times at which, interest that has accrued on a designated tenancy deposit account is to be withdrawn from that account and placed in a bank account referred to in *subsection (2)*.

(2) The Board shall cause to be maintained one or more bank accounts for the purpose of holding interest that is withdrawn from a designated tenancy deposit account for the purpose of the performance by it of its functions under *section 151(1)(bb)*.

(3) For the purposes of the performance of its functions under *section 151(1)(bb)*, the Board may, subject to *section 177A(4)*, withdraw the moneys, representing the interest which has accrued on a designated tenancy deposit account, from a designated tenancy deposit account.**]**

Further provisions with respect to accounts (including their audit).

178.—(1) The Board, the Director and any relevant member of the staff of the Board shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books or other records of account of the Board in respect of any financial year or other period and shall facilitate any such examination, and the Board shall pay such fee therefor as may be fixed by the Minister.

(2) In *subsection (1)* "relevant member of the staff of the Board" means a member of the staff of the Board to whom there has been duly assigned functions relating to the books or other records of account referred to in that subsection.

(3) The accounts of the Board for each financial year shall be prepared in such a form and manner as may be specified by the Minister and be prepared by the Director and approved by the Board as soon as practicable but not later than three months after the end of the financial year to which they relate for submission, as soon as practicable, to the Comptroller and Auditor General for audit.

(4) A copy of such of the accounts referred to in *subsection (3)* as the Minister directs and the report of the Comptroller and Auditor General thereon shall be presented to the members of the Board and to the Minister, as soon as practicable after the audit of them is completed, and the Minister shall cause a copy of those documents to be laid before each House of the Oireachtas.

Accountability of Director to Oireachtas Committees.

179.—(1) The Director shall, whenever he or she is so required by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any account subject to audit by the Comptroller and Auditor General which the Director or the Board is required by or under statute to prepare,

(*b*) the economy and efficiency of the Board in the use of its resources,

(*c*) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and

(*d*) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b)* or *(c)*) that is laid before Dáil Éireann.

(2) The Director shall, at the request in writing of any other Oireachtas Committee, attend before it and give evidence to it on any matter related to the functions of the Board.

(3) In *subsection (2)*, "other Oireachtas Committee" means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the committee referred to in *subsection (1)*) or a subcommittee of such a committee.

Reports and information to Minister.

180.—(1) The Board shall, not later than 30 June in each year subsequent to the year in which the establishment day falls, make a report to the Minister (in this section referred to as the "annual report") in such form as the Minister any approve, on the performance of its functions and activities during the preceding year and the Minister shall cause copies of each annual report to be laid before each House of the Oireachtas.

(2) Each annual report shall include information in such form and regarding such matters as the Minister may direct.

(3) The Board may, from time to time, make such other reports to the Minister relating to its functions as it thinks fit and shall, whenever so requested by the Minister, supply to the Minister such information, in addition to that provided in its annual report, regarding the performance of its functions as the Minister may from time to time require.

(4) The Board may publish such other reports on matters related to its activities and functions as it may from time to time consider relevant and appropriate.

Annotations

Amendments:

F405 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 72, not commenced as of date of revision.

Modifications (not altering text):

C106 Prospective affecting provision: subs. (5) inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 72, not commenced as of date of revision.

F405**[**(5) Without prejudice to *subsections (2)* to *(4)*, each annual report shall include information regarding the holding and return of deposits by the Board and any other information as the Minister may direct.**]**

F406**[**Reports to Minister concerning determination of complaints under *section 76A*

180A.— ...**]**

Annotations

Amendments:

F406 Inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 73, not commenced as of date of revision.

Modifications (not altering text):

C107 Prospective affecting provision: section inserted by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 73, not commenced as of date of revision.

F406**[180A.**—(1) Without prejudice to *section 180*, the Board shall, not later than 6 months after the coming into operation of *section 76A*, make a report to the Minister in such form as the Minister may approve, on the performance of its functions under that subsection and in respect of the determination of complaints under *section 76A* and appeals against determinations of those complaints.

(2) The Board shall, not later than 6 months after the day on which the report under *subsection (1)* was made, make a further report to the Minister in respect of the same matters provided for in that subsection.

(3) Following the making of the report referred to in *subsection (2)*, the Board shall include in its annual report under *section 180* the matters provided for in *subsection (1)*.**]**

Editorial Notes:

E181 The section heading is taken from the amending section in the absence of one included in the amendment.

Reports to Board.

181.—(1) The Board may, on its request, be furnished with reports on any matter which, in the Board's opinion, concerns the F407**[**...**]** rented sector by the appropriate Minister of the Government or local authority who or which has responsibility for the area to which the matter pertains.

(2) The Board may make a report furnished to the Board under this section available to the Minister.

(3) In this section "F408**[**rented sector**]**" has the same meaning as it has in *section 151*.

Annotations

Amendments:

F407 Deleted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(4)(e)(i), S.I. No. 151 of 2016.

F408 Substituted (7.04.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 13(4)(e)(ii), S.I. No. 151 of 2016.

PART 9

MISCELLANEOUS

Limitation on certain disputes being the subject of court proceedings.

182.—(1) On and from the commencement of *Part 6*, proceedings may not be instituted in any court in respect of a dispute that may be referred to the Board for resolution under that Part unless one or more of the following reliefs is being claimed in the proceedings—

(*a*) damages of an amount of more than €20,000,

(*b*) recovery of arrears of rent or other charges, or both, due under a tenancy of an amount, or an aggregate amount, of more than €60,000 or such lesser amount as would be applicable in the circumstances concerned by virtue of *section 115(3)(b)* or *(c)(ii)*.

(2) In this section "dispute" has the same meaning as it has in *Part 6*.

Guidelines to Board.

183.—(1) The Minister may, from time to time, issue to the Board such guidelines in relation to the performance of its functions under this Act (other than functions under *Part 6*) as he or she considers appropriate and the Board shall have regard to such guidelines in the performance of those functions.

(2) The Minister may amend or revoke guidelines issued under this section.

Voidance of provisions designed to facilitate terminations.

184.—(1) A provision of a lease or tenancy agreement in relation to a dwelling that imposes an obligation on a party (the "first party") to do or refrain from doing any thing is void if, from all the circumstances (including any of the matters specified in *subsection (3)*), it is a reasonable inference that the sole or main purpose for the provision being included is that mentioned in *subsection (2)*.

(2) That purpose is to allow the other party (the "second party") to serve a notice of termination in respect of the tenancy concerned (for a failure to comply with the provision) for any reason that suits the interests of that party at the particular time rather than because the failure to comply has occurred.

(3) The matters mentioned in *subsection (1)* are—

(*a*) the provision concerned cannot, in its ordinary operation, be reasonably regarded as conferring any practical benefit on the second party or in respect of his or her interest in the dwelling,

(*b*) compliance with the provision concerned by the first party is likely to be impracticable,

(*c*) the terms in which the provision concerned is framed are such that the situations in which the provision must be complied with and those in which it need not be complied with are arbitrary.

(4) Any tenancy or sub-tenancy of a dwelling (the "first-mentioned tenancy") purported to be created is void if, from all the circumstances, it is a reasonable inference that it is a transaction not of a bona fide nature effected at arm's length but effected solely or mainly for the purpose of facilitating the termination (through

collusion between some or all of the parties to that transaction) of any sub-tenancy created out of the first-mentioned tenancy.

(5) If the first-mentioned tenancy in *subsection (4)* is void by reason of that subsection any sub-tenancy created out of it that is not so void shall be deemed to be a tenancy held by the person in whose favour the sub-tenancy was granted from the person who purported to create the first-mentioned tenancy (but of no greater term than the term of the sub-tenancy).

Obligation to inform prospective sub-tenant of nature of tenancy.

185.—(1) A tenant of a dwelling who proposes to create in favour of any person a sub-tenancy out of the tenancy shall, before he or she—

(*a*) creates the sub-tenancy, or

(*b*) if its creation is preceded by the entering into of an agreement to create (whether the word "create" or any other word is used) such a tenancy, enters into that agreement,

inform the person of the fact that it is a sub-tenancy that will be created in the person's favour.

(2) A person who fails to comply with *subsection (1)* is guilty of an offence.

(3) If, in respect of the entering into of an agreement referred to in *paragraph (b)* of *subsection (1)*, a failure to comply with that subsection occurs, the agreement shall not be enforceable by the tenant referred to in that subsection.

Tenant may terminate where consent to assignment or sub-letting withheld.

186.—(1) This section has effect—

(*a*) despite the fact that the tenancy concerned is one for a fixed period, and

(*b*) despite anything to the contrary in the lease or tenancy agreement concerned.

(2) If a landlord of a dwelling refuses his or her consent to an assignment or sub-letting of the tenancy concerned by the tenant, the tenant may serve a notice of termination in respect of the tenancy and terminate it accordingly.

(3) The period of notice to be given by that notice of termination is—

(*a*) that specified in *section 66*, or

(*b*) such lesser period of notice as may be agreed between the landlord and the tenant in accordance with *section 69*,

even if the lease or tenancy agreement provides for a greater period of notice to be given.

Duty of management companies in relation to certain complaints.

187.—(1) This section applies where a tenant of a dwelling which is one of a number of dwellings comprising an apartment complex makes a complaint of the kind referred to in *section 12(1)(h)* to the landlord of the dwelling and that complaint (the "relevant complaint") is forwarded to the management company of the complex (the "relevant company").

(2) Where this section applies the relevant company, in performing any of its functions in relation to the apartment complex concerned, shall have regard to the relevant complaint and shall furnish to the landlord mentioned in *subsection (1)* (for the purpose of its being forwarded to the tenant concerned) a statement in writing as to the steps, if any, it has taken to deal with the matter or matters to which the complaint relates.

Provision of information in relation to service charges by management companies.

188.—(1) A tenant of a dwelling which is one of a number of dwellings comprising an apartment complex may request the management company (if any) of the complex ("the company") to furnish to him or her particulars in writing of the service charges made by the company in respect of the dwelling in a specified period and how those charges have been calculated.

(2) Subject to *subsection (3)*, it shall be the duty of the company to comply with such a request.

(3) If the owner of the dwelling were to make a request of the company to furnish to him or her the particulars mentioned in *subsection (1)* and the company would not be obliged to furnish all of those particulars to him or her then the duty of the company under *subsection (2)* shall be read as extending only to the particulars that the company would be obliged to furnish to the owner were such a request to be made.

(4) In this section "service charges" means charges made by the company in respect of the performance of functions by it in relation to the apartment complex concerned.

Jurisdiction in aid of *Part 6* resolution procedure.

189.—(1) In this section "dispute" means a dispute falling within the jurisdiction of the Board under *Part 6*.

(2) The following provisions have effect if the circumstances giving rise to or involving the dispute are such that, were proceedings in the Circuit Court to be brought in relation to the dispute, it would be appropriate to apply to that court for interim or interlocutory relief in the matter.

(3) On being requested by the person (the "referrer") who has referred or is referring a dispute to it to do so, the Board may apply, on the referrer's behalf, to the Circuit Court for such interim or interlocutory relief in the matter as the Board considers appropriate.

(4) In deciding whether to accede to such a request the Board may have regard to—

(*a*) the merits, as they appear to it, of the referrer's contentions that will be dealt with by an adjudicator or the Tribunal,

(*b*) the amount of damages the Board is likely to have to pay to the respondent to the application (on foot of an undertaking required of it by the court to pay such damages) in the event such damages have to be paid, but the Board's opinion—

(i) that those contentions of the referrer are unlikely to be accepted by an adjudicator or the Tribunal, or

(ii) that the amount of those damages is likely to be substantial,

shall, in neither case, and without prejudice to *subsection (5)* be conclusive in favour of the Board's refusing to accede to the request if, in all the circumstances, the Board considers that it ought to accede to it.

(5) The fact of the Board's being of the opinion referred to in *subsection (4)(ii)* shall not be taken into account by it in deciding whether to accede to a request under *subsection (3)* if the referrer undertakes to defray in whole the amount of damages the Board may become liable to pay in the circumstances mentioned in *subsection (4)* and the Board is satisfied the referrer has the means to be able to comply with that undertaking.

(6) On application to the Circuit Court by the Board under this section, the Circuit Court may grant such interim or interlocutory relief in the matter as it thinks appropriate.

Section 189: supplemental provisions.

190.—(1) For the purpose of *section 189* there is, by virtue of this section, vested in the Circuit Court, with the modifications specified in *subsection (2)*, the jurisdiction vested in that court with respect to the grant, variation and discharge of interim or interlocutory relief in proceedings brought in that court in respect of any matter.

(2) The modifications mentioned in *subsection (1)* are that the rules of law (including those of equity) and enactments relating to the foregoing jurisdiction shall be construed and operate so as to enable the Circuit Court to—

(*a*) provide that any interlocutory relief granted by it, on foot of an application under *section 189*, may have effect until the final determination of the dispute concerned under *Part 6*,

(*b*) F409**[**...**]**

(3) Costs the subject of such an award may be taxed in the same manner as costs the subject of an award made by the Circuit Court.

Annotations

Amendments:

F409 Repealed (1.03.2016) by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 86(2)(c), S.I. No. 119 of 2016.

Long occupation equity (ability to renounce entitlement to it).

191.—(1) In this section the "Act of 1980" means the Landlord and Tenant (Amendment) Act 1980.

(2) On and from the relevant date, section 17(1)(*a*) of the Act of 1980 is amended by inserting the following subparagraph after subparagraph (iii*a*) (inserted by the Landlord and Tenant (Amendment) Act 1994):

"(iii*b*) if section 13(1)(*b*) applies to the tenement (and the tenement is a dwelling to which the *Residential Tenancies Act 2004* applies), the tenant had completed and signed, whether for or without valuable consideration, a renunciation of his or her entitlement to a new tenancy in the tenement and had received independent legal advice in relation to such renunciation, or".

(3) On and from the relevant date, section 85 of the Act of 1980 is amended by substituting the following subsection for subsection (2) (inserted by the Landlord and Tenant (Amendment) Act 1994):

"(2) Subsection (1) does not apply to a renunciation referred to in—

(*a*) subparagraph (iii*a*) (inserted by section 4 of the Landlord and Tenant (Amendment) Act 1994), or

(*b*) subparagraph (iii*b*) (inserted by *section 191* of the *Residential Tenancies Act 2004*),

of section 17(1)(*a*).".

Long occupation equity (prospective abolition of entitlement to it).

192.—(1) In this section "Act of 1980" has the same meaning as it has in *section 191*.

(2) Subject to *subsection (3)*, on and from the fifth anniversary of the relevant date, Part II of the Act of 1980 shall not apply to a dwelling to which this Act applies.

(3) *Subsection (2)* does not have effect in relation to a dwelling in respect of which the tenant has served a notice of intention to claim relief under and in accordance with section 20 of the Act of 1980 before the fifth anniversary mentioned in that subsection.

(4) *Subsection (3)* is without prejudice to the generality of section 21 of the Interpretation Act 1937.

Non-application of certain enactments.

193.—None of the following enactments applies to a dwelling to which this Act applies—

(*a*) section 42 of the Landlord and Tenant Law Amendment Act Ireland 1860,

(*b*) section 14 of the Conveyancing Act 1881,

(*c*) sections 2, 3 and 4 of the Conveyancing and Law of Property Act 1892,

(*d*) sections 66, 67 and 68 of the Landlord and Tenant (Amendment) Act 1980, and

(*e*) section 16 of the Housing (Miscellaneous Provisions) Act 1992.

Deemed termination of tenancy to which *Part 4* does not apply.

194.—*Subsections (1)* to *(4)* of *section 37* apply to a tenancy of a dwelling in so far as its operation is not affected by *Part 4* or to which that Part does not apply as those subsections apply to a *Part 4* tenancy.

Proposed overholding under a fixed term tenancy.

195.—(1) In this section "relevant dwelling" means a dwelling, the subject of a tenancy that is for a fixed period of at least 6 months.

(2) The tenant of a relevant dwelling, if he or she intends to remain (on whatever basis, if any, that is open to him or her to do so) in occupation of the dwelling after the expiry of the period of the tenancy concerned, shall notify the landlord of that intention.

(3) That notification shall not be made to the landlord—

(*a*) any later than 1 month before, nor

(*b*) any sooner than 3 months before,

the expiry of the period of that tenancy.

(4) If a tenant fails to comply with *subsection (2)* and the landlord suffers loss or damage in consequence of that failure the landlord may make a complaint to the Board under *Part 6* that he or she has suffered such loss or damage.

(5) An adjudicator or the Tribunal, on the hearing of such a complaint, may make a determination, if the adjudicator or the Tribunal considers it proper to do so, that the tenant shall pay to the complainant an amount by way of damages for that loss or damage.

Equal Status Act 2000 not prejudiced.

196.—Nothing in this Act—

(*a*) authorises conduct prohibited by section 6 of the Equal Status Act 2000, or

(*b*) operates to prejudice the powers under Part III of that Act to award redress in the case of such conduct.

Amendment of Housing (Miscellaneous Provisions) Act 1997.

197.—The Housing (Miscellaneous Provisions) Act 1997 is amended—

(*a*) in section 1, by—

(i) substituting "Housing Acts 1966 to 2002 or Part V of the Planning and Development Act 2000" for "Housing Acts 1966 to 1997" in each place where those words occur, and

(ii) inserting the following definition after the definition of "housing authority":

" 'relevant purchaser' means—

(*a*) a person to whom a housing authority have sold a house under the Housing Acts 1966 to 2002, or

(*b*) a person in whom there subsequently becomes vested (whether for valuable consideration or not and including by means of inheritance) the interest of the person referred to in paragraph (*a*) of this definition in the house referred to in that paragraph;",

(*b*) by substituting the following section for section 3:

"Excluding orders.

3.—(1) A tenant or relevant purchaser may, in respect of a house—

(*a*) let to the tenant by a housing authority, or

(*b*) in respect of which he or she is such a purchaser,

apply to the District Court for an order (to be known and referred to in this Act as an 'excluding order') against a person including, in the case of an application by a tenant, a joint tenant (referred to in this Act as 'the respondent') whom the tenant or relevant purchaser making the application believes to be engaging in anti-social behaviour.

(2) A housing authority may, in respect of a house referred to in subsection (1), apply to the District Court for an order (which shall also be known and is in this Act referred to as an 'excluding order') against a person, other than the tenant or relevant purchaser of the house, (in this Act also referred to as the 'respondent') whom the authority believe to be engaging in anti-social behaviour where the authority—

(*a*) having consulted the tenant or relevant purchaser and the health board in whose functional area the house is situate, believe that the tenant or relevant purchaser—

(i) may be deterred or prevented by violence, threat or fear from pursuing an application for an excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and

(*b*) consider that, in the interest of good estate management, it is appropriate, in all the circumstances, to apply for the excluding order.

(3) Where the court, on application to it, is of the opinion that there are reasonable grounds for believing that the respondent is or has been engaged in anti-social behaviour it may by order—

(*a*) direct the respondent, if residing at the house in respect of which the application was made, to leave that house, and

(*b*) whether the respondent is or is not residing at the house—

(i) prohibit the respondent for the period during which the order is in force from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified area, being an area one or more of the houses in which are under the control and management of a housing authority, or

(ii) prohibit the respondent, during the said period, from doing all or any of the things referred to in subparagraph (i) save where specified conditions are complied with.

(4) An excluding order may, if the court thinks fit, prohibit the respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the tenant, relevant purchaser or other occupant of any house concerned.

(5) Where an excluding order has been made, the tenant, the relevant purchaser or the housing authority, as appropriate, or the respondent may apply to have it varied, and the court upon hearing the application shall make such order as it considers appropriate in the circumstances.

(6) An excluding order, whether made by the District Court or by the Circuit Court on appeal from the District Court, shall, subject to subsection (7) and section 9, expire three years after the date of its making or on the expiration of such shorter period as the court may provide for in the order.

(7) On or before the expiration of an excluding order to which subsection (6) relates, a further excluding order may be made by the District Court or by the Circuit Court on appeal from the District Court for a period of three years, or such shorter period as the court may provide for in the order, with effect from the date of expiration of the firstmentioned order.",

(*c*) in section 3A (inserted by the Housing (Traveller Accommodation) Act 1998) by—

(i) substituting in subsection (2) the following paragraph for paragraph (*a*):

"(*a*) having consulted the authorised person concerned and the health board in whose functional area the site is situate, believe that such authorised person—

(i) may be deterred or prevented by violence, threat or fear from pursuing an application for a site excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and",

and

(ii) substituting in subsection (3) the following paragraph for paragraph (*b*):

"(*b*) whether the respondent is or is not residing at the site—

(i) prohibit the respondent for the period during which the order is in force from entering or being in the vicinity of that site or any other specified site or being on or being in or in the vicinity of any specified site, or

(ii) prohibit the respondent, during the said period, from doing all or any of the things referred to in subparagraph (i) save where specified conditions are complied with.",

(*d*) by substituting the following sections for section 4:

"Excluding orders.

4.—(1) If, on the making of an application for an excluding order or between the making of the application and its determination, the court is of the opinion that there are reasonable grounds for believing that there is an immediate risk of significant harm to the tenant, relevant purchaser or other occupant of the house if the order is not made immediately, the court may by order (to be known and referred to in this Act as an 'interim excluding order')—

(*a*) direct the respondent, if residing at the house in respect of which the application was made, to leave that house, and

(*b*) whether the respondent is or is not residing at the house—

(i) prohibit the respondent from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified area, being an area one or more of the houses in which are under the control and management of a housing authority, until further order of the court or until such other time as the court shall specify, or

(ii) prohibit the respondent, until such further order or time, from doing all or any of the things referred to in subparagraph (i) save where specified conditions are complied with.

(2) Subsections (4) and (5) of section 3 shall apply to an interim excluding order as they apply to an excluding order.

(3)(*a*) An interim excluding order may be made *ex parte* where, having regard to the circumstances of the particular case, the court considers it necessary or expedient to do so in the interests of justice.

(*b*) The application for such an order shall be grounded on an affidavit or information sworn by the applicant.

(*c*) If an interim excluding order is made *ex parte*—

(i) a note of evidence given by the applicant shall be prepared forthwith—

(I) by the judge,

(II) by the applicant or the applicant's solicitor and approved by the judge, or

(III) as otherwise directed by the judge,

and

(ii) a copy of the order, affidavit or information and note shall be served on the respondent as soon as practicable.

(*d*) The order shall have effect for a period, not exceeding 8 working days, to be specified in the order, unless, on application by the applicant for the excluding order and on notice to the respondent, the interim excluding order is confirmed within that period by order of the court.

(*e*) The order shall contain a statement of the effect of paragraph (*d*).

(*f*) In paragraph (*d*) 'working days' means days other than Saturdays, Sundays or public holidays (within the meaning of the Organisation of Working Time Act 1997).

(4) An interim excluding order shall cease to have effect on the determination by the court of the application for an excluding order.

Provision for avoidance of doubt

4A.—For the avoidance of doubt—

(*a*) no order may be made under section 3 or 4 directing anything to be done, or prohibiting anything from being done, in a housing estate none of the houses in which is under the control and management of a housing authority,

(*b*) a house shall, for the purposes of those sections and paragraph (*a*), be regarded as being under the control and management of a housing authority despite the fact that the authority has, under section 9 of the Housing (Miscellaneous Provisions) Act 1992, delegated all or one or more of its functions in respect of that house to a designated body.",

(*e*) by substituting the following section for section 9:

"9.—(1) Where an excluding order or interim excluding order has been made, the tenant, the relevant purchaser or the housing authority, as appropriate, or the respondent may apply to the court that made the order to have the order discharged and thereupon the court shall discharge the order if it is of the opinion that, in all the circumstances, it is appropriate to do so.

(2) For the purposes of this section and section 3(5), an order made by a court on appeal from another court shall be treated as if it had been made by that other court.",

and

(*f*) in section 14, by inserting the following subsections after subsection (3):

"(4) Notwithstanding anything contained in the enactments specified in subsection (5), a housing authority may refuse to sell or lease a dwelling to a person where the authority considers that the person is or has been engaged in anti-social behaviour or that a sale or lease to that person would not be in the interest of good estate management.

(5) The enactments mentioned in subsection (4) are:

(*a*) section 90 of the Housing Act 1966;

(*b*) section 3 of the Housing (Miscellaneous Provisions) Act 1992;

(*c*) section 6 of the Housing (Miscellaneous Provisions) Act 2002; and

(*d*) Part V of the Planning and Development Act 2000.".

Amendment of Housing Act 1966.

198.—The Housing Act 1966 is amended by deleting "except tenants for a month or a less period than a month)" where those words occur in section 79(1) and article 4(*b*) of the Third Schedule.

Amendment of sections 58 and 60 of Landlord and Tenant (Amendment) Act 1980.

199.—(1) Section 58 of the Landlord and Tenant (Amendment) Act 1980 is amended by inserting in subsection (1)(*b*), after "section 13(1)(*a*)", "or 13(1)(*b*)".

(2) Section 60 of the Landlord and Tenant (Amendment) Act 1980 is amended—

(*a*) in subsection (1), by substituting the following definition for the definition of "obsolete area":

" 'integrated area plan' has the meaning assigned to it by section 7 of the Urban Renewal Act 1998.",

and

(*b*) in subsection (2), by substituting "area to which an integrated area plan relates" for "obsolete area".

Amendment of sections 3 and 20 of Housing (Miscellaneous Provisions) Act 1992.

200.—(1) Section 3(8)(*b*) of the Housing (Miscellaneous Provisions) Act 1992 is amended—

(*a*) in subparagraph (ii), by substituting "1978;" for "1978.", and

(*b*) by inserting the following subparagraph after subparagraph (ii):

"(iii) section 60 of the Landlord and Tenant (Amendment) Act 1980.".

(2) Section 20(8) of the Housing (Miscellaneous Provisions) Act 1992 is amended by substituting "by virtue of any requirement on landlords relating to the registration of tenancies" for "under this section".

Amendment of section 34 of Housing (Miscellaneous Provisions) Act 1992.

201.—Section 34 of the Housing (Miscellaneous Provisions) Act 1992 is amended by substituting the following subsection for subsection (1):

"(1) Any person who, by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or who contravenes a provision of, or a regulation made under, section 17, 18 or 20 shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction or contravention is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction or contravention continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €250.".

Regulations to remove difficulties.

202.—If in any respect any difficulty arises during the period of 3 years after the commencement of this section in bringing any provision of this Act into operation or in relation to the operation of any such provision, the Minister may by regulations do anything that appears to the Minister to be necessary or expedient for the purposes of bringing that provision into operation or securing or facilitating its operation.

Annotations

Editorial Notes:

E182 Power pursuant to section exercised (7.10.2004) by *Residential Tenancies Act 2004 (Section 202) Regulations 2004* (S.I. No. 649 of 2004).

Section 32.

F410[SCHEDULE 1]

Protection for Sub-Tenancies Created out of *Part 4* Tenancies

1. In this Schedule—

"head-landlord" means the landlord under the *Part 4* tenancy concerned;

"head-tenant" means the tenant under the *Part 4* tenancy concerned;

"sub-tenant" means the person in whose favour the sub-tenancy concerned has been created;

"sub-tenancy" means the sub-tenancy referred to in *paragraph 2*;

"*Part 4* tenancy" includes a further *Part 4* tenancy and references to a *Part 4* tenancy continuing in being shall be construed as including references to—

(*a*) if it occurs, the circumstance in which a further *Part 4* tenancy comes into being (in respect of the dwelling concerned) after that *Part 4* tenancy and continues in being, and

(*b*) if it occurs, the circumstance in which a further *Part 4* tenancy comes into being (in respect of that dwelling) after the further *Part 4* tenancy mentioned in *subparagraph (a)* and continues in being, and

(*c*) if it occurs, each further circumstance of the kind mentioned in *subparagraph (b)*.

2. (1) If a sub-tenancy is created out of a *Part 4* tenancy with the written consent of the landlord then the following protection applies for the benefit of the sub-tenant.

(2) Without prejudice to *paragraphs 5* and *6*, that protection is that that sub-tenancy shall (if it would not or might not do so otherwise) continue in being for so long as the *Part 4* tenancy continues in being unless it is sooner terminated under the provisions of *Part 4* as adapted by this Schedule.

3. *Paragraph (a)* of, and the Table to, *section 34* and *sections 35* to *39* apply in relation to the sub-tenancy as they apply in relation to a *Part 4* tenancy with the following modifications—

(*a*) for references in them to a *Part 4* tenancy or a tenancy there shall be substituted references to the sub-tenancy,

(*b*) for references in them to the landlord there shall be substituted references to the head-tenant,

(*c*) for references in them to the tenant there shall be substituted references to the sub-tenant, and

(*d*) in *paragraph (a)* of *section 34* for "on one or more of the grounds specified in the Table to this section" there shall be substituted "on one or more of the grounds specified in *paragraphs 1, 2* and *4* of the Table to this section".

4. (1) For so long as the sub-tenancy continues in being the following obligations of the head-landlord shall be owed to the sub-tenant, namely the obligations under *paragraphs (a)* and *(b)* of *section 12(1)* and, for the purpose of this paragraph—

(*a*) the reference in that *paragraph (a)* to the tenant shall, for so long as the sub-tenancy continues in being, be construed as a reference to the sub-tenant, and

(*b*) a dispute between the head-landlord and the sub-tenant with respect to compliance by the head-landlord with either or both of those obligations may be referred under *Part 6* to the Board for resolution.

(2) For so long as the sub-tenancy continues in being the following obligations of the sub-tenant shall be owed to the head-landlord, namely the obligations under *paragraphs (f)* and *(g)* of *section 16* and, for the purpose of this paragraph—

(*a*) references in those paragraphs to the tenancy shall, for so long as the sub-tenancy continues in being, be construed as references to the sub-tenancy,

(*b*) references in those paragraphs to the landlord shall, for so long as the sub-tenancy continues in being, be construed as references to the head-landlord, and

(*c*) a dispute between the sub-tenant and the head-landlord with respect to compliance by the sub-tenant with either or both of those obligations may be referred under *Part 6* to the Board for resolution.

(3) Save to the extent provided by the foregoing subparagraphs, nothing in this paragraph affects the obligations owed—

(*a*) by the head-landlord to the head-tenant (or the head-tenant to the head-landlord), or

(*b*) by the head-tenant to the sub-tenant (or the sub-tenant to the head-tenant),

under the *Part 4* tenancy or the sub-tenancy, as appropriate.

5. In addition to the protection provided by *paragraph 2*, where the head-landlord serves a notice of termination in respect of the *Part 4* tenancy out of which the sub-tenancy has been created and does not include in that notice of termination a requirement to terminate the sub-tenancy, then — if the notice of termination is effective to terminate the *Part 4* tenancy — on that termination—

(*a*) the sub-tenant shall become the tenant of that landlord and the sub-tenancy under which he or she held the dwelling concerned shall be deemed to be converted into that *Part 4* tenancy (without prejudice to the notice's effect as against the former head-tenant),

(*b*) the terms of that *Part 4* tenancy under which he or she holds the dwelling concerned shall be those on which he or she held it under the sub-tenancy (subject to their not being inconsistent with this Act) unless he or she and that landlord agree to a variation of them,

(*c*) the period of that *Part 4* tenancy's duration shall, subject to *Chapter 3* of *Part 4*, be the same as that which would have been its period of duration if the notice of termination mentioned in this paragraph had not been served.

6. *Subparagraphs (a), (b)* and *(c)* of *paragraph 5* also apply if the *Part 4* tenancy is validly terminated by the head-tenant and, for this purpose, the relevant references in that paragraph which precede those subparagraphs shall be read accordingly.

7. *Paragraphs 5* and *6* do not affect the liabilities (if any) of the sub-tenant to the head-tenant (or of the head-tenant to the sub-tenant) that have arisen by virtue of the sub-tenancy.

8. (1) This paragraph applies where—

(*a*) the sub-tenant has vacated possession of the dwelling concerned on foot of a notice of termination served under *section 34(a)* (as adapted by this Schedule),

(*b*) that notice of termination cited as the reason for the termination the ground specified in *paragraph 4* of the Table to *section 34* (as so adapted), and

(*c*) the occupation by the person concerned mentioned in that paragraph does not take place within a reasonable time after the service of the notice or, in circumstances where such a requirement arises, the head-tenant does

not comply with the requirement to make the offer referred to in that paragraph.

(2) Where this paragraph applies, the sub-tenant may make a complaint to the Board under *Part 6* that, by reason of the matters mentioned in *subparagraph (1)*, he or she has been unjustly deprived of possession of the dwelling concerned by the head-tenant.

(3) An adjudicator or the Tribunal, on the hearing of such a complaint, may make a determination, if the adjudicator or the Tribunal considers it proper to do so, that the head-tenant shall pay to the complainant an amount by way of damages for that deprivation of possession.

(4) For the avoidance of doubt—

(*a*) this paragraph applies even though the sub-tenant vacated possession of the dwelling only after a dispute in relation to the validity of the notice of termination was finally determined under *Part 6* (but in such a case *subparagraph (1)* has effect as if the clause set out in the Table to this paragraph were substituted for *clause (c)* of that subparagraph), and

(*b*) this paragraph is without prejudice to the sub-tenant's right to put in issue, in a dispute in relation to the validity of the notice of termination referred to the Board under *Part 6*, the bona fides of the intention of the head-tenant to do or, as appropriate, permit to be done the thing mentioned in the notice.

TABLE

(*c*) the occupation by the person concerned mentioned in that paragraph does not take place within a reasonable time after the dispute in relation to the validity of the notice is finally determined under *Part 6* or, in circumstances where such a requirement arises, the head-tenant does not comply with the requirement to make the offer referred to in that paragraph.

Annotations

Amendments:

F410 Substituted (31.05.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 33, S.I. No. 236 of 2019.

F411**[**SCHEDULE 2

Section 148R

Improper conduct in relation to a landlord means—

(*a*) the commission by the landlord of a contravention of F412**[***subsection (4)* or *(5B)* of *section 19***]**, *subsection (1)* of *section 134* or *subsection (1)* of *section 139*,

F413**[**(*aa*) the setting of a rent pursuant to a review of the rent under a tenancy by serving notice of the rent on the tenant other than in accordance with the condition specified in *subsection (2)* of *section 22*.**]**

(*b*) the seeking by the landlord to rely on *subsection (5)* of *section 19* in respect of a dwelling that does not comply with the requirements of that subsection,

F414**[**(*ba*) F415**[**the seeking or requiring by the landlord (within the meaning of *section 19B*) of**]** a payment to him or her of an amount or amounts in contravention of *section 19B*.**]**

F416**[**(*bb*) the requesting or requiring by the landlord (within the meaning of *section 19C*) of a person to enter into a lease or tenancy agreement in relation to a dwelling referred to in *subsection (1A)* of *section 3* the duration of which is a period of more than 41 weeks in contravention of *section 19C*,**]**

(*c*) the citing by a landlord in a notice of termination of a reason for the termination of the tenancy concerned that is, and that he or she knows to be, false or misleading in a material respect,

(*d*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 3* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *paragraph (aa)* of *subsection (8)* of *section 35* in circumstances where the conditions referred to in the said *paragraph (aa)* are satisfied,

(*e*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 4* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *subparagraph (b)* of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied,

(*f*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 5* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *subparagraph (b)* of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied, or

(*g*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 6* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *subparagraph (b)* of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied.**]**

Annotations

Amendments:

F411 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 34, S.I. No. 286 of 2019.

F412 Substituted (11.12.2021) by *Residential Tenancies (Amendment) Act 2021* (39/2021), s. 4(b), commenced on enactment.

F413 Inserted (28.02.2026) by *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 24(1), S.I. No. 67 of 2026, subject to transitional provision in subs. (2).

F414 Inserted (9.07.2021) by *Residential Tenancies (No. 2) Act* (17/2021), s. 17(b), commenced on enactment.

F415 Substituted (19.07.2024) by *Residential Tenancies (Amendment) Act 2024* (22/2024), s. 6(1)(a), S.I. No. 358 of 2024, subject to transitional provision in subs. (2).

F416 Inserted (19.07.2024) by *Residential Tenancies (Amendment) Act 2024* (22/2024), s. 6(1)(b), S.I. No. 358 of 2024, subject to transitional provision in subs. (2).

Modifications (not altering text):

Editorial Notes:

E183 Previous affecting provision: para. (a) amended (9.07.2021) by *Residential Tenancies (No. 2) Act* (17/2021), s. 17(a), commenced on enactment; substituted as per F-note above.

F417**[**SCHEDULE 3

Provisions applicable to Oral Hearings conducted pursuant to *section 148S* or *148X*

*Section 148S or 148X***]**

Annotations

Amendments:

F417 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 35, S.I. No. 286 of 2019.

F418**[**PART 1

Oral Hearing conducted by authorised officer pursuant to *section 148S(15)*

1. The authorised officer conducting the oral hearing for the purposes of an investigation may take evidence on oath, and the administration of such an oath by the authorised officer is hereby authorised.

2. The authorised officer may by notice in writing require any person to attend the oral hearing at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the investigation or to produce any relevant documents within his or her possession or control or within his or her procurement.

3. Subject to *paragraph 4*, a person required to attend under *paragraph 2* may be examined and cross-examined at the oral hearing.

4. A person required to attend under *paragraph 2* shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.

5. Where a person required to attend under *paragraph 2* does not comply or fully comply with a requirement referred to in that paragraph, the authorised officer may apply in a summary manner to the District Court on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may make the order sought or such other order as it thinks fit or refuse to make any order.

6. The jurisdiction of the District Court in respect of an application referred to in *paragraph 5* may be exercised by a judge of the District Court for the time being assigned to the District Court district where the person required to attend the oral hearing ordinarily resides or carries on any profession, business or occupation.

7. The oral hearing shall be held otherwise than in public.

8. The authorised officer may, with the consent of the Board and out of moneys at its disposal, direct that the whole or part of the reasonable travelling and subsistence expenses that will be or have been incurred by a person required to attend under *paragraph 2* in so attending, shall, as the authorised officer thinks appropriate, be paid to the person required to attend whether prior to attending or by way of reimbursement.**]**

Annotations

Amendments:

F418 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 35, S.I. No. 286 of 2019.

F419**[**PART 2

ORAL HEARING CONDUCTED BY DECISION MAKER PURSUANT TO *SECTION 148X(6)* OR *(7)*

1. The decision maker, in conducting the oral hearing for the purposes of assisting him or her to make a decision under *section 148X(4)* or *148X(5)* or for the purposes of observing fair procedures, may take evidence on oath, and the administration of such an oath by the decision maker is hereby authorised.

2. The decision maker may by notice in writing require any person to attend the oral hearing at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the making of the decision under *section 148X(4)* or *148X(5)* or to produce any relevant documents within the possession or control of the person summoned or within his or her procurement.

3. Subject to *paragraph 4*, a person required to attend under *paragraph 2* may be examined and cross-examined at the oral hearing.

4. A person referred to in *paragraph 2* shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.

5. Where a person required to attend under *paragraph 2* does not comply or fully comply with a requirement referred to in that paragraph, the Board may apply in a summary manner to the District Court on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may make the order sought or such other order as it thinks fit or refuse to make any order.

6. The jurisdiction of the District Court in respect of an application referred to in *paragraph 5* may be exercised by a judge of the District Court for the time being assigned to the District Court district where the person required to attend the oral hearing ordinarily resides or carries on any profession, business or occupation.

7. The oral hearing shall be held otherwise than in public.

8. The decision maker may, with the consent of the Board and out of moneys at its disposal, direct that the whole or part of the reasonable travelling and subsistence expenses that will be or have been incurred by a person required to attend under *paragraph 2* in so attending, shall, as the authorised officer thinks appropriate, be paid to the person required to attend whether prior to attending or by way of reimbursement.**]**

Annotations

Amendments:

F419 Inserted (1.07.2019) by *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 35, S.I. No. 286 of 2019.

Number 27 *of* 2004

RESIDENTIAL TENANCIES ACT 2004

REVISED

Updated to 1 March 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Residential Tenancies Acts 2004 to 2026: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), s. 1(4)). The Acts in this group are:

- *Residential Tenancies Act 2004* (27/2004)
- *Residential Tenancies (Amendment) Act 2009* (2/2009)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100
- *Residential Tenancies (Amendment) Act 2015* (42/2015), other than s. 1(3) and ss. 15, 85, 87
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 1(2)(b), Part 3 (ss. 30-50) and sch.
- *Residential Tenancies (Amendment) Act 2019* (14/2019), other than s. 38
- *Local Government Rates and other Matters Act 2019* (24/2019), ss. 25, 26
- *Residential Tenancies and Valuation Act 2020* (7/2020), other than s. 14
- *Residential Tenancies Act 2020* (17/2020)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), Part 3 (ss. 9-16)
- *Residential Tenancies Act 2021* (5/2021)
- *Residential Tenancies (No. 2) Act 2021* (17/2021)
- *Residential Tenancies (Amendment) Act 2021* (39/2021)
- *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), Part 11 (ss. 91-99)
- *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022)
- *Residential Tenancies (Amendment) Act 2024* (22/2024)
- *Planning and Development Act 2024* (34/2024), Part 25 (ss. 634, 635)
- *Residential Tenancies (Amendment) Act 2025* (5/2025)
- *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), Part 2 (ss. 3-24)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026)
- *Residential Tenancies (Amendment) Act 2025* (5/2025)
- *Planning and Development Act 2024* (34/2024)
- *Residential Tenancies (Amendment) Act 2024* (22/2024)
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024)
- *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022)
- *Civil Law (Miscellaneous Provisions) Act 2022* (19/2022)
- *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022)
- *Residential Tenancies (Amendment) Act 2021* (39/2021)
- *Affordable Housing Act 2021* (25/2021)
- *Residential Tenancies (No. 2) Act 2021* (17/2021)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020)
- *Residential Tenancies Act 2020* (17/2020)
- *Residential Tenancies and Valuation Act 2020* (7/2020)
- *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020)
- *Local Government Rates and other Matters Act 2019* (24/2019)
- *Residential Tenancies (Amendment) Act 2019* (14/2019)
- *Domestic Violence Act 2018* (6/2018)
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016)
- *Residential Tenancies (Amendment) Act 2015* (42/2015)
- *State Airports (Shannon Group) Act 2014* (27/2014)
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)
- *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010)
- *Fines Act 2010* (8/2010)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009)
- *Residential Tenancies (Amendment) Act 2009* (2/2009)

All Acts up to and including *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), enacted 24 February 2026, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026)
- *Rent Pressure Zone (Local Electoral Area of Castlebar) Order 2025* (S.I. No. 187 of 2025)
- *Rent Pressure Zone (Local Electoral Area of Tullow) Order 2025* (S.I. No. 186 of 2025)
- *Rent Pressure Zone (Local Electoral Area of Athlone (Roscommon)) Order 2025* (S.I. No. 43 of 2025)
- *Rent Pressure Zone (Local Electoral Area of Sligo-Drumcliffe) Order 2024* (S.I. No. 675 of 2024)
- *Rent Pressure Zone (Local Electoral Area of Carrigaline) Order 2024* (S.I. No. 456 of 2024)

- *Rent Pressure Zone (Administrative Area of Galway County Council) Order 2024* (S.I. No. 455 of 2024)
- *Rent Pressure Zone (Administrative Area of Westmeath County Council) Order 2023* (S.I. No. 579 of 2023)
- *Rent Pressure Zone (Local Electoral Area of Shannon) Order 2023* (S.I. No. 578 of 2023)
- *Rent Pressure Zone (Administrative Area Of Waterford City And County Council) Order 2023* (S.I. No. 433 of 2023)
- *Rent Pressure Zone (Administrative Area of Limerick City and County Council) Order 2023* (S.I. No. 432 of 2023)
- *Rent Pressure Zone (Administrative Area of Kilkenny County Council) Order 2023* (S.I. No. 431 of 2023)
- *Rent Pressure Zone (Local Electoral Area of Ennis) Order 2023* (S.I. No. 430 of 2023)
- *Rent Pressure Zone (Local Electoral Area of Westport) Order 2023* (S.I. No. 333 of 2023)
- *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2022* (S.I. No. 341 of 2022)
- *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2022* (S.I. No. 152 of 2022)
- *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2021* (S.I. No. 723 of 2021)
- *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2021* (S.I. No. 362 of 2021)
- *Rent Pressure Zone (Administrative Area of Kildare County Council) Order 2020* (S.I. No. 380 of 2020)
- *Emergency Measures in the Public Interest (Covid-19) Act 2020 (Section 4) (No. 2) Order 2020* (S.I. No. 254 of 2020)
- *Rent Pressure Zone (Local Electoral Area of Bandon - Kinsale) Order 2020* (S.I. No. 247 of 2020)
- *Emergency Measures in the Public Interest (Covid-19) Act 2020 (Section 4) Order 2020* (S.I. No. 224 of 2020)
- *Rent Pressure Zone (Local Electoral Area of Tullamore) Order 2020* (S.I. No. 140 of 2020)
- *Rent Pressure Zone (Local Electoral Area of Mullingar) Order 2020* (S.I. No. 139 of 2020)
- *Rent Pressure Zone (Local Electoral Area of Mallow) Order 2020* (S.I. No. 138 of 2020)
- *Rent Pressure Zone (Local Electoral Area of Killarney) Order 2020* (S.I. No. 137 of 2020)
- *Rent Pressure Zone (Local Electoral Area of Athy) Order 2020* (S.I. No. 136 of 2020)
- *Rent Pressure Zone (Local Electoral Area of Strandhill) Order 2019* (S.I. No. 647 of 2019)
- *Rent Pressure Zone (Local Electoral Area of Piltown) Order 2019* (S.I. No. 646 of 2019)
- *Rent Pressure Zone (Local Electoral Area of Cobh) Order 2019* (S.I. No. 645 of 2019)
- *Rent Pressure Zone (Local Electoral Area of Baltinglass) Order 2019* (S.I. No. 644 of 2019)
- *Rent Pressure Zone (Local Electoral Area of Macroom) Order 2019* (S.I. No. 479 of 2019)
- *Rent Pressure Zone (Local Electoral Area of Carlow) Order 2019* (S.I. No. 478 of 2019)
- *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2019* (S.I. No. 353 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Waterford City South) Order 2019* (S.I. No. 326 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Waterford City East) Order 2019* (S.I. No. 325 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Trim) Order 2019* (S.I. No. 324 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Portlaoise) Order 2019* (S.I. No. 323 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Midleton) Order 2019* (S.I. No. 322 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Limerick City West) Order 2019* (S.I. No. 321 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Limerick City North) Order 2019* (S.I. No. 320 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Kilkenny) Order 2019* (S.I. No. 319 of 2019)

- *Rent Pressure Zone (Local Electoral Area Of Kells) Order 2019* (S.I. No. 318 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Graiguecullen - Portarlington) Order 2019* (S.I. No. 317 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Gort - Kinvara) Order 2019* (S.I. No. 316 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Gorey) Order 2019* (S.I. No. 315 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Fermoy) Order 2019* (S.I. No. 314 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Dundalk South) Order 2019* (S.I. No. 313 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Dundalk - Carlingford) Order 2019* (S.I. No. 312 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Athlone) Order 2019* (S.I. No. 311 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Athenry - Oranmore) Order 2019* (S.I. No. 310 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Arklow) Order 2019* (S.I. No. 309 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Ardee) Order 2019* (S.I. No. 308 of 2019)
- *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2019* (S.I. No. 287 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Navan) Order 2019* (S.I. No. 122 of 2019)
- *Rent Pressure Zone (Local Electoral Area Of Limerick City East) Order 2019* (S.I. No. 121 of 2019)
- *Rent Pressure Zone (Local Electoral Area of Drogheda) Order 2017* (S.I. No. 402 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Greystones) Order 2017* (S.I. No. 401 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Cobh) Order 2017* (S.I. No. 113 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Maynooth) Order 2017* (S.I. No. 109 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Kildare-Newbridge) Order 2017* (S.I. No. 29 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Laytown-Bettystown) Order 2017* (S.I. No. 28 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Ashbourne) Order 2017* (S.I. No. 27 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Ratoath) Order 2017* (S.I. No. 26 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Bray) Order 2017* (S.I. No. 25 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Wicklow) Order 2017* (S.I. No. 24 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Galway City East) Order 2017* (S.I. No. 23 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Celbridge-Leixlip) Order 2017* (S.I. No. 22 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Galway City Central) Order 2017* (S.I. No. 21 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Naas) Order 2017* (S.I. No. 20 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Galway City West) Order 2017* (S.I. No. 19 of 2017)
- *Rent Pressure Zone (Local Electoral Area of Ballincollig-Carrigaline) Order 2017* (S.I. No. 18 of 2017)
- *Residential Tenancies Act 2004 (Prescribed Form) (No. 2) Regulations 2016* (S.I. No. 217 of 2016)
- *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2016* (S.I. No. 150 of 2016)
- *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2015* (S.I. No. 257 of 2015)
- *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2012* (S.I. No. 162 of 2012)
- *Private Residential Tenancies Board Superannuation Scheme 2011* (S.I. No. 625 of 2011)
- *Residential Tenancies Act 2004 (Commencement) (No. 2) Order 2004* (S.I. No. 750 of 2004)

- *Residential Tenancies Act 2004 (Section 202) Regulations 2004* (S.I. No. 649 of 2004)
- *Residential Tenancies Act 2004 (Establishment Day) Order 2004* (S.I. No. 525 of 2004)
- *Residential Tenancies Act 2004 (Commencement) Order 2004* (S.I. No. 505 of 2004)

All statutory instruments up to and including *Residential Tenancies Act 2004 (Prescribed Form) Regulations 2026* (S.I. No. 68 of 2026), made 27 February 2026, were considered in the preparation of this revision.