



STATUTORY INSTRUMENTS.

S.I. No. 287 of 2019



RESIDENTIAL TENANCIES ACT 2004 (PRESCRIBED FORM)
REGULATIONS 2019

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RESIDENTIAL TENANCIES ACT 2004 (PRESCRIBED FORM)
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I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 8 of the Residential Tenancies Act 2004 (No. 27 of 2004) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017)), hereby make the following regulations:

1. These Regulations may be cited as the Residential Tenancies Act 2004 (Prescribed Form) Regulations 2019.
2. These Regulations come into operation on 1 July 2019.
3. The Residential Tenancies Act 2004 (Prescribed Form)(No. 2) Regulations 2016 (S.I. No. 217 of 2016) are amended by substituting for Schedule 1 the Schedule set out in Schedule 1 to these Regulations.
4. The notice set out in Schedule 2 to these Regulations is prescribed for the purposes of section 19(5B) of the Residential Tenancies Act 2004 (No. 27 of 2004).



GIVEN under my Official Seal,

27 June, 2019.

EOGHAN MURPHY,

Minister for Housing, Planning and Local Government.

SCHEDULE 1

Regulation 3

**Notice to be served under section 22(2) of the Residential Tenancies Act
2004 stating the amount of the new rent**

(Notice of Rent Review)

IMPORTANT

**PART A and PART D(declaration by landlord/authorised agent) of this Notice must
be completed for all rent reviews.**

**In Rent Pressure Zones (RPZs), the landlord must also complete either Part B or Part
C of this notice.**

Part A

(Rent Review Details)

(Must be completed for all rent reviews – i.e. outside/inside of an RPZ)

To: **[Insert Name of Tenant(s)]**

1. A review of the rent under the tenancy of the dwelling at

[insert dwelling address]

has been carried out and a new rent has been set on foot of that review. The amount
of the new rent is € **[state amount of the new rent]**.

2. The new rent shall have effect from **[insert start date from which the new rent is to have
effect]**.
3. Any dispute in relation to the setting of the rent pursuant to a review of the rent under a
tenancy must be referred to the Residential Tenancies Board (RTB) under Part 6 of the
Residential Tenancies Act 2004 before-

i. **[insert date from which the new rent is to have effect]**

or

- ii. the expiry of 28 days from the receipt by you of this notice,
whichever is later.

4. I, **[insert name of landlord]**, state that in my opinion the new rent is not greater than the market rent, having regard to the other terms of the tenancy, and letting values of dwellings of a similar size, type and character to the dwelling that is the subject of this tenancy, and situated in a comparable area to that in which the dwelling the subject of your tenancy is situated.
5. In that regard, please see specified below the amount of rent sought for 3 dwellings of similar size, type and character to the dwelling the subject of your tenancy and situated in a comparable area to that in which the dwelling the subject of your tenancy is situated.

Dwelling 1 [insert amount of rent sought and briefly specify the associated dwelling]

Dwelling 2 [Insert amount of rent sought and briefly specify the associated dwelling]

Dwelling 3 [insert amount of rent sought and briefly specify the associated dwelling]

Important Note

‘Amount of rent sought’ means the amount of rent specified for the letting of a dwelling in an advertisement the date of which falls within the period of 4 weeks immediately preceding the date on which this notice is served.

Section 20 of the Residential Tenancies Act 2004 prescribes the frequency with which rent reviews may occur. Section 22 of that Act, requires that this notice must be served by the landlord at least 90 days before the date from which the new rent is to have effect.

Further information in relation to rent reviews outside of and in RPZs is available on the RTB’s website - www.rtb.ie – including a useful RPZ rent calculator to illustrate the maximum rent legally permitted for a dwelling in a particular RPZ.

Rent Reviews in Rent Pressure Zones (RPZs)

Part B or Part C must be completed

Part B

(Exemption from the Rent Pressure Zone (RPZ) formula)

Part B – Only to be completed where this notice relates to a dwelling in respect of which the **RPZ annual rent increase restriction does not apply** under section 19(5) of the Residential Tenancies Act 2004.

(Tick the relevant boxes)

- Part B – Dwelling** in respect of which the **RPZ annual rent increase restriction does not apply.**

1. **I, [insert name of landlord],** confirm that in accordance with sections 19(5)(b) and 19(5A) of that Act:

(a) the annual rent increase restriction in RPZs provided for under section 19(4) of the Residential Tenancies Act 2004 does not apply to this rent review relating to the dwelling under tenancy identified under Part A(1), being the first rent review to occur in respect of the dwelling concerned since the area in which it is situated became an RPZ.

(b) in the period since the rent was last set under a tenancy for this dwelling, the following works have been carried out to the dwelling concerned:

Tick relevant box(es) below -

- Works that consist of a **permanent extension** to the dwelling that increases the floor area (within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997)) of the dwelling by an amount equal to **not less than 25% of the floor area** (within such meaning) of the dwelling as it stood immediately before the commencement of those works,

OR

- In the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, works that result in the BER (within the meaning of those Regulations) being **improved by not less than 7 building energy ratings,**

OR

Works that result in any 3 or more of the following:

- The internal layout of the dwelling being permanently altered;
- The dwelling being adapted to provide for access and use by a person with a disability, within the meaning of the Disability Act 2005;
- A permanent increase in the number of rooms in the dwelling;
- 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 (within the meaning of those Regulations) being improved by **not less than 3 building energy ratings**; or
- 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 (within the meaning of those Regulations) being improved by **not less than 2 building energy ratings**.

(c)

- the works identified by the box(es) ticked in (b) above do not solely consist of works carried out for the purposes of compliance with section 12(1)(b) of the Residential Tenancies Act 2004 – see Important Note below.

Important Note

Section 12(1)(b) of the Residential Tenancies Act 2004 obliges a landlord to maintain the dwelling concerned in good repair to meet the statutorily required minimum standards for rental properties prescribed under S.I. No. 137 of 2019 at the following link:

<http://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>

Part C

Application of Rent Pressure Zone (RPZ) formula (where required)

Part C – Only to be completed where this notice relates to a dwelling in respect of which the **RPZ annual rent increase restriction under section 19(4) of the Residential Tenancies Act 2004 **does apply.****

(Tick the box below if the dwelling concerned is in an RPZ and subject to the annual rent increase restriction)

- Part C – Dwelling in respect of which the RPZ annual rent increase restriction does apply**

If the dwelling under tenancy identified under Part A(1) is in an RPZ and the annual rent increase restriction applies, please insert the relevant numbers into the formula below, as prescribed by section 19(4) of the Residential Tenancies Act 2004, to clearly illustrate how the rent, pursuant to a section 22 rent review, was set:

R [insert here] x (1 + 0.04 x t [insert here] /m [insert here]) = new rent [insert here]

*please note that you should do your calculations working from right to left.

- R** = the amount of rent last set under a tenancy for the dwelling (the current rent amount)
- t** = the number of months between the date the current rent came into effect and the date the new rent amount will come into effect.
- m** = you must enter **24 OR 12** (as the number of months to apply to the rent review in question: -

24 = is to be inserted in respect of the first rent review on or after the date that the area became an RPZ where the tenancy was in existence prior to that date.

12 = is to be inserted in respect of any rent review in an RPZ in respect of a tenancy that commenced on or after the date the area in question became an RPZ.

Important Note

Please see the RTB website for further information in relation to rent reviews in RPZs - www.rtb.ie – including a useful RPZ rent calculator to illustrate the maximum rent legally permitted for a dwelling in a particular RPZ.

Please note that where the rent review occurs in an RPZ and an exemption from the annual rent increase restriction applies, this notice should also be served on the RTB, within 1 month from the setting of the rent pursuant to a section 22 rent review, as supporting information to accompany the notice required under section 19(5B) (Exemption from RPZ Annual Rent Increase Restriction) of the Residential Tenancies Act 2004. The inclusion of a relevant printed version of a screen-shot from the RTB's online RPZ Rent Calculator would also assist the RTB.

A person guilty of an offence under the Residential Tenancies Act 2004 shall, in accordance with section 9 of that Act, be liable on summary conviction to a Class B fine (currently, valued to a maximum of €4,000 under the Fines Act 2010) or imprisonment for a term not exceeding 6 months or both.

If the contravention in respect of which a person is convicted of an offence under that Act 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 Class E fine (currently, valued to a maximum of €500 under the Fines Act 2010).

A person who fails to comply with the annual rent increase restriction in RPZs provided for under section 19(4) of the Residential Tenancies Act 2004 (where the restriction applies to the dwelling concerned) shall be guilty of an offence.

A person, who in purported compliance with section 19(5B) of the Residential Tenancies Act 2004, furnishes information to the RTB which is false or misleading in a material respect knowing to be so false or misleading or being reckless as to whether it is so false or misleading shall be guilty of an offence.

A person who fails to comply with the requirement of section 19(5B) of the Residential Tenancies Act 2004 shall be guilty of an offence.

The Residential Tenancies (Amendment) Act 2019 inserts a new Part 7A – Complaints, Investigations and Sanctions – into the Residential Tenancies Act 2004 to assist the RTB in its enforcement activity. Improper conduct by a landlord, as set out in Schedule 2 to the Residential Tenancies Act 2004, can result in the RTB imposing an administrative sanction, valued to a maximum of €30,000.

Part D
Declaration of Landlord/Authorised Agent

(Must be completed for all rent reviews (i.e. outside/inside of an RPZ))

I declare that all the information that I have given on this notice is correct.

Signature: **[To be signed by landlord]**

OR

Signature: **[To be signed by authorised agent]**

Date: **[Insert date that notice is signed]**

SCHEDULE 2

Regulation 4

Notice to be served to the RTB under section 19(5B) of the Residential Tenancies Act 2004 where a landlord seeks to rely on an exemption from the Rent Pressure Zone (RPZ) annual rent increase restriction

(Exemption from RPZ formula)

To the RTB,

1. I, **[insert name of landlord]**, confirm that:
 - (a) a review of the rent under the tenancy of the dwelling at

[insert dwelling address]

has been carried out and a new rent has been set on foot of that review.
 - (b) The amount of the new rent is € **[state amount of the new rent]**.
 - (c) The new rent shall have effect from **[insert start date from which the new rent is to have effect]**.
 - (d) The previous rent applicable to this dwelling was € **[insert previous rent amount]** with effect from **[insert date the previous rent came into effect]**.
- Tick box where (d) above is **not applicable** because the dwelling concerned has not been rented previously.
- (e) I seek to rely on section 19(5) of the Residential Tenancies Act 2004 which, in my opinion, dis-applies the RPZ annual rent increase restriction in respect of the dwelling concerned for the reason(s) ticked below and in accordance with the supporting information that I provide with this notice to the RTB.

Reason(s) for dis-application of RPZ annual rent increase restriction in respect of the dwelling concerned

[Select one or more of the following, as appropriate]

(Tick the relevant box(es))

- Exemption 1**

*An exemption under section 19(5)(a) of the Residential Tenancies Act 2004 applies to this **first rent setting** under the tenancy of the dwelling concerned*

because no tenancy existed in respect of the dwelling concerned during the 2 years immediately prior to this current tenancy commencing.

OR

Exemption 2

*An exemption under section 19(5)(b) of the Residential Tenancies Act 2004 applies to this **rent review** under the tenancy of the dwelling concerned because in the period since the rent was last set under a tenancy for this dwelling, the following works have been carried out to the dwelling resulting in a substantial change in the nature of the accommodation and that change has increased the letting value of the dwelling.*

Type of Works to effect a Substantial Change to the dwelling concerned

Where Exemption 2 has been selected, you must provide the following detail by ticking the relevant box(es):

The works carried out to the dwelling concerned:

- Consist of a **permanent extension** to the dwelling that increases the floor area (within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997)) of the dwelling by an amount equal to **not less than 25% of the floor area** (within such meaning) of the dwelling as it stood immediately before the commencement of those works.

OR

- 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 (within the meaning of those Regulations) being **improved by not less than 7 building energy ratings**.

OR

result in any 3 or more of the following:

- The internal layout of the dwelling being permanently altered;
- The dwelling being adapted to provide for access and use by a person with a disability, within the meaning of the Disability Act 2005;
- A permanent increase in the number of rooms in the dwelling;
- 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 (within the meaning of those Regulations) being improved by **not less than 3 building energy ratings**; or
- 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 (within the meaning of those Regulations) being **improved by not less than 2 building energy ratings**.

I, **[insert name of landlord]** confirm that the works identified by the box(es) ticked above under Exemption 2 do not solely consist of works carried out for the purposes of compliance with section 12(1)(b) of the Residential Tenancies Act 2004 – see Important Note below.

Important Note

Section 12(1)(b) of the Residential Tenancies Act 2004 obliges a landlord to maintain the dwelling concerned in good repair to meet the statutorily required minimum standards for rental properties prescribed under S.I. No. 137 of 2019 at the following link:

<http://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>

This notice and all relevant supporting documentation should be served on the RTB within 1 month from the setting of the rent under tenancy of the dwelling.

Please note that any relevant rent review notice under section 22 of the Residential Tenancies Act 2004 should accompany this notice, as supporting documentation. Please see the RTB website for further information in relation to rent reviews in RPZs and relevant supporting documentation - www.rtb.ie.

A person guilty of an offence under the Residential Tenancies Act 2004 shall, in accordance with section 9 of that Act, be liable on summary conviction to a Class B fine (currently, valued to a maximum of €4,000 under the Fines Act 2010) or imprisonment for a term not exceeding 6 months or both.

If the contravention in respect of which a person is convicted of an offence under that Act 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 Class E fine (currently, valued to a maximum of €500 under the Fines Act 2010).

A person who fails to comply with the annual rent increase restriction in RPZs provided for under section 19(4) of the Residential Tenancies Act 2004 (where the restriction applies to the dwelling concerned) shall be guilty of an offence.

A person, who in purported compliance with section 19(5B) of the Residential Tenancies Act 2004, furnishes information to the RTB which is false or misleading in a material respect knowing to be so false or misleading or being reckless as to whether it is so false or misleading shall be guilty of an offence.

A person who fails to comply with the requirement of section 19(5B) of the Residential Tenancies Act 2004 shall be guilty of an offence.

The Residential Tenancies (Amendment) Act 2019 inserts a new Part 7A – Complaints, Investigations and Sanctions – into the Residential Tenancies Act 2004 to assist the RTB in its enforcement activity. Improper conduct by a landlord, as set out in Schedule 2 to the Residential Tenancies Act 2004, can result in the RTB imposing an administration sanction, valued to a maximum of €30,000.

Declaration of Landlord

I declare that all the information that I have given on this notice is correct.

Signature: **[To be signed by landlord]**

Date: **[Insert date that notice is signed]**

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations prescribe:

- in Schedule 1, the notice to be served by a landlord or by his or her authorised agent on his or her tenant(s) for the purposes of a rent review under section 22 (2) of the Residential Tenancies Act 2004 (No. 27 of 2004).

- in Schedule 2, the notice to be served by a landlord on the Residential Tenancies Board (RTB) for the purposes of section 19(5B) of the Residential Tenancies Act 2004 (No. 27 of 2004) where a landlord seeks to rely on an exemption from the Rent Pressure Zone (RPZ) annual rent increase restriction in respect of a particular dwelling in an RPZ.

BAILE ÁTHA CLIATH
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