



STATUTORY INSTRUMENTS.

S.I. No. 362 of 2021

RESIDENTIAL TENANCIES ACT 2004 (PRESCRIBED FORM)
REGULATIONS 2021

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RESIDENTIAL TENANCIES ACT 2004 (PRESCRIBED FORM)
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I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, 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 and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 408 of 2020)), hereby make the following regulations:

1. These Regulations may be cited as the Residential Tenancies Act 2004 (Prescribed Form) Regulations 2021.
2. These Regulations come into operation on 16 July 2021.
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 Residential Tenancies Act 2004 (Prescribed Form) Regulations 2019 (S.I. No. 287 of 2019) are amended by substituting for Schedule 2 the Schedule set out in Schedule 2 to these Regulations.



GIVEN under my Official Seal,
15 July, 2021.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

Schedule 1
Regulation 3



Notice served in accordance with section 22 of the Residential Tenancies Act 2004 (as amended)

Notice of Rent Review

The purpose of this notice is to inform you the tenant(s), that a review of the rent under your residential tenancy has been carried out and a new rent set on foot of that review. This notice states the amount of the new rent and the date from which it is to have effect.

Any dispute in relation to the new rent must be referred to the Residential Tenancies Board (RTB) under Part 6 of the Residential Tenancies Act 2004 before:

- (a) the date the new rent becomes payable (this must be at least 90 days after the date of service of this notice); or
- (b) the expiry of 28 days from the date that the tenant receives this notice, **whichever is the later date**.

Part A - Tenant Details*

Name of Tenant 1

Name of Tenant 2

Name of Tenant 3

Name of Tenant 4

*If there are more than four tenants, include details of these tenants on a separate page and attach to this notice.

Part B - Dwelling Subject to Tenancy

1. RT Number:

(Registered Tenancy Number)

2. Address of Dwelling
Subject to Tenancy:

Eircode:

Part C - Landlord /Authorised Agent

3. Landlord's/Authorised Agent's name:

4. Landlord's/Authorised Agent's contact details:

Part D - Details of New Rent

5. Previous rent amount: €

6. Date last notice of rent review was served: / /

7. New rent amount: €

(For tenancies in Rent Pressure Zones (RPZs), please use the RTB Rent Pressure Zone calculator on the RTB's website (www.rtb.ie) to determine the maximum rent increase, if any, that can apply. Please print off or save a copy of the relevant calculation provided by the calculator for your records and also attach a copy with this notice.

8. Date from which new rent becomes payable:

/ /

Visit www.rtb.ie to use the Rent Pressure Zone calculator to automatically calculate the new rent. It is required that landlords attach a copy of that calculation to this Notice of Rent Review.

This Notice of Rent Review must be served by the Landlord on the Tenant(s) **at least 90 days** before the new rent becomes payable. There are also restrictions on how frequently rent reviews can take place – once every 12 months for tenancies located in RPZs and every 24 months for tenancies located outside RPZs. For more details on rent reviews and to find out if your tenancy is in a RPZ, visit www.rtb.ie

Landlords must inform the RTB of the new rent and any updated details for the tenancy register, within one month of the new rent becoming payable. For the consequences of failing to do so, see the Important Note below.

If a landlord does not comply with the requirements for setting rent in RPZs, the landlord shall be guilty of an offence and may be liable to a sanction by the RTB – see the Important Note below.

Part E - Details of Comparable Dwellings

9. 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 subject to tenancy and situated in a comparable area as the the dwelling subject to tenancy.

The amount of rent sought for 3 dwellings of similar size, type and character to the dwelling subject to tenancy and situated in a comparable area is set out below.

“Amount of rent sought” means the amount of rent specified for the letting of a dwelling in an advertisement. The date of the advertisement must be within the 4 week period immediately preceding the date on which this notice is served.

The landlord must provide the details of each comparable dwelling below (size, type, character and address) and specify the amount of rent sought.

	Details	Rent
Dwelling 1		
Dwelling 2		
Dwelling 3		

It is recommended that landlords attach copies of the 3 advertisements to this notice.

Part F - RPZ Exemption

This Part must only be filled out by a landlord where the dwelling subject to tenancy is in a RPZ and the landlord seeks to rely on one of the exemptions to the requirement that the rent set must be calculated in accordance with the Rent Pressure Zone Calculator (see s.19(5)(b) and (5A) of the Residential Tenancies Act 2004 and the RTB's website, www.rtb.ie).

To rely on the RPZ exemption for a rent review, there must have been a substantial change in the nature of the accommodation. There will be a "substantial change in the nature of the accommodation" where one of the 3 categories of works identified below have been carried out and where such works do not solely consist of works carried out to comply with the landlord's obligation under section 12(1)(b) of the Residential Tenancies Act 2004, including to meet the minimum standards for residential rented accommodation. The substantial change must result in the market rent for the dwelling subject to tenancy being greater than when the rent was last set.

10. I, [insert name of landlord], confirm that the restrictions on setting rents in RPZs do not apply to the dwelling subject to tenancy by reason of the exemption selected below.

Please tick the exemption relied on:

- a. Exemption 1 (Permanent Extension)

Works were carried out that consist of a permanent extension to the dwelling subject to tenancy that increased 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.

- b. Exemption 2 (BER improved by 7 or more)

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 resulted in the BER (within the meaning of those Regulations) being improved by not less than 7 building energy ratings.

Part F - RPZ Exemption (continued)

- c. Exemption 3 (**Other works as required below**)

Works were carried out to the dwelling subject to tenancy that resulted in any 3 or more of the following (please tick as appropriate):

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**;

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**.

11. I, , confirm that the works carried out and identified by the box(es) ticked above do not solely consist of works carried out for the purposes of complying with a landlord's obligation under section 12(1)(b) of the Residential Tenancies Act 2004, as amended, including to meet the minimum standards for residential rental accommodation. *(Tick the box provided to confirm).*

If a landlord relies on one of the exemptions above, the landlord must also serve a RPZ Notification of Exemption form on the RTB (together with supporting documents) within one month of this notice being served. For the consequences of failing to do so, see the Important Note below.

Part G - Declaration by the Landlord

This section must be completed for all rent reviews.

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

Signature: [To be signed by the landlord]

or

Signature: [To be signed by authorised agent]

Name:
in BLOCK CAPITALS [Insert Name in BLOCK CAPITALS]

Date signed & served: / /

Checklist for Landlords

Where a landlord carries out a rent review, the landlord must:

1. Serve a valid notice of rent review on the tenant (in the form attached).
2. Inform the RTB of the new rent set and any other details that have changed since the tenancy was last registered, within one month of the new rent becoming payable (the easiest thing to do is to complete the **Tenancy Update form** on the RTB's website and send it to the RTB).
3. Where a landlord relies on an exemption to the RPZ rent increase restriction, serve the RTB with the prescribed change to Notice of Exemption from RPZ Rent Restriction within one month of any notice of rent review being served (visit www.rtb.ie for the prescribed form). The landlord must attach documents that support the exemption relied upon.

IMPORTANT NOTE

Rent Reviews and Rent Pressure Zones (RPZs)

Please see the RTB website for further information and assistance in relation to rent reviews in RPZs (www.rtb.ie) including a Rent Pressure Zone Calculator to calculate the maximum permissible rent increase (if any) for a particular dwelling.

Offences

A person will be guilty of an offence under the Residential Tenancies Act 2004 where the person:

- a) fails to comply with the RPZ rent increase restriction (Sections 19(4A) and (6A) of the **Residential Tenancies Act 2004** refers);
- b) fails to comply with the requirement to serve the RTB with the prescribed Notice of Exemption from the RPZ rent restriction and supporting documents within one month of the setting of the rent (Sections 19(5B) and (6C) of the **Residential Tenancies Act 2004** refers);
- c) includes information in or with the prescribed Notice of Exemption from the RPZ rent restriction knowing it to be false or misleading in a material respect or is reckless as to whether it is false or misleading (Sections 19(5B) and (6B) of the **Residential Tenancies Act 2004** refers).

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 the **Residential Tenancies Act 2004**, 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**).

Sanctions

The RTB has an investigations and sanctions unit dedicated to investigating certain potential breaches of the Residential Tenancies Act 2004 by a landlord. The breaches of the law that the RTB may investigate are referred to as "Improper Conduct" (Part 7A and Schedule 2 of the Residential Tenancies Act 2004 refer).

Improper Conduct includes where the landlord contravenes:

- a) the RPZ rent increase restriction under section 19(4A) of the **Residential Tenancies Act 2004**;
- b) the requirement to serve the RTB with the prescribed Notice of Exemption from the RPZ rent restriction and supporting documents within one month of the setting of the rent;
- c) the requirement to inform the RTB of an alteration to the rent payable and any other details that have altered since the tenancy was last registered within one month of such an alteration occurring.

Improper conduct by a landlord can result in the RTB imposing a fine of up to €15,000 and a further €15,000 in costs.

Schedule 2
Regulation 4



Notice to be served to the Residential Tenancies Board (RTB) under section 19(5B) of the Residential Tenancies Act 2004 (as amended)

Notice of Exemption from RPZ Rent Restriction

Landlords should read the Important Note at the end of this document before completing this form.

Rent increases in Rent Pressure Zones (RPZs) cannot exceed general inflation as recorded in the All-Items Harmonised Index of Consumer Prices (HICP) in relation to Ireland and as published on www.rtb.ie, unless an exemption applies to the dwelling subject to tenancy.

The RTB provides a Rent Pressure Zone Calculator to calculate the maximum permissible rent increase (if any), with reference to any inflation recorded by HICP. The RTB displays a table with the HICP values that inform the calculations made by its calculator on www.rtb.ie.

Landlords must use this form to notify the RTB of any RPZ rent exemption that they wish to rely on (Part E of this form refers). If a landlord wishes to rely on an exemption, he or she must fill out this form and attach all supporting information required (see below). The form and supporting information must be sent to the RTB at the postal or email address provided (see details for service) within one month of the setting of the rent under the tenancy (*rent is set either at the start of a tenancy or on the date the notice of rent review is served*).

Details for service:

RTB Address: PO Box 47, Clonakilty, County Cork

RTB Email: registrations@rtb.ie

Part A - Rented Dwelling

1. RT Number:
(Registered Tenancy Number)

2. Address of Dwelling
 Subject to Tenancy:

Eircode:

Part B - Tenancy Details

3. Tenancy commencement date: / /

Part C - Landlord /Authorised Agent

4. Landlord's/Authorised Agent's name:

5. Landlord's/Authorised Agent's contact details:

Part D - Rent6. Previous rent amount: €
(if applicable)7. Date previous rent set*: / /
(if applicable)

8. New rent amount: €

9. Date new rent set*: / /

***Note:** The date the rent is "set" is either the date the tenancy commenced or the date the relevant notice of rent review was served on the tenant(s).

Part E - Details of RPZ Exemption Relied On

10. Rent for the dwelling subject to tenancy is not restricted in accordance with the Rent Pressure Zone Calculator where one of the exemptions below applies.

A landlord must tick the exemption relied on.

a. Exemption 1 – No Tenancy in the Previous Two Years

No tenancy of the dwelling subject to tenancy existed during the 2 years immediately preceding the date on which the current tenancy commenced.

OR

b. Exemption 2 – New Tenancy and Protected Structure

The tenancy relates to a dwelling in a protected structure or proposed protected structure within the meaning of the Planning and Development Act 2000 or to a dwelling that is such a structure and no tenancy of that dwelling existed during the 12 months immediately prior to the current tenancy commencing.

OR

c. Exemption 3 – Works: Substantial Change in the Nature of the Accommodation

In the period since the rent was last set under a tenancy for the dwelling, the following works were carried out that resulted in a substantial change in the nature of the accommodation and as a result, the market rent for the tenancy is greater. This exemption does **not** apply where **such works solely consist of works carried out to comply with a landlord's obligation under section 12 (1)(b) of the Residential Tenancies Act 2004, including to meet the minimum standards for residential rented accommodation.**

A "substantial change in the nature of the accommodation" will only have taken place if the work identified at (a), (b) or (c) below have been carried out.

If applicable, the landlord must tick the exemption relied on.

(a) Permanent extension

Works were carried out that consist of a permanent extension to the dwelling subject to tenancy that increased 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 of the dwelling subject to tenancy as it stood immediately before the commencement of those works.

OR

(b) Building Energy Rating improved by 7 or more

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 resulted in the BER (within the meaning of those Regulations) being improved by not less than 7 building energy ratings.

Part E - Details of RPZ Exemption Relied On (continued)

OR

(c) Other works as required below

Works were carried out to the dwelling subject to tenancy that resulted in any 3 or more of the following (please tick as appropriate):

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**;

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 carried out and identified by the boxes ticked under
the exemptions above, do not solely consist of works carried out for
the purposes of complying with a landlord's obligations under
12(1)(b) of the Residential Tenancies Act 2004, as amended,
including to meet the minimum standards for residential rental
accommodation.
(If applicable, tick the box provided to confirm).

Part F - Required Documentation

11. Landlords must provide documents that support the exemption relied upon in Part E above. This may include for example, the old and new BER certificates or a letter of certification confirming the nature of any structural changes from an architect, chartered surveyor, chartered engineer and any related planning permission.

Landlords must list the supporting documents relied upon below and attach them to this notice.

(a)

(b)

(c)

(d)

(e)

(f)

(g)

Landlords should add a separate sheet to this notice if not enough space is provided.

Part G - Declaration of the Landlord

12. I seek to rely on section 19(5) of the Residential Tenancies Act 2004 which, in my opinion, dis-applies the RPZ rent increase restriction in respect of the dwelling concerned for the reason(s) ticked above and in accordance with the supporting information that I provide with this notice to the RTB.
13. I declare that all the information that I have given in this notice is correct.

Signature: [To be signed by the landlord]

or

Signature: [To be signed by authorised agent]

Name:
in BLOCK CAPITALS [Insert Name in BLOCK CAPITALS]

Date signed & served / /

IMPORTANT NOTE

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- b) fails to comply with the requirement to serve the RTB with the prescribed Notice of Exemption from the RPZ rent restriction and supporting documents within one month of the setting of the rent (Sections 19(5B) and (6C) of the **Residential Tenancies Act 2004** refers);
- c) includes information in or with the prescribed Notice of Exemption from the RPZ rent restriction knowing it to be false or misleading in a material respect or is reckless as to whether it is false or misleading (Sections 19(5B) and (6B) of the **Residential Tenancies Act 2004** refers).

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 the **Residential Tenancies Act 2004**, 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**).

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The RTB has an investigations and sanctions unit dedicated to investigating certain potential breaches of the Residential Tenancies Act 2004 by a landlord. The breaches of the law that the RTB may investigate are referred to as "Improper Conduct" (Part 7A and Schedule 2 of the Residential Tenancies Act 2004).

Improper Conduct includes where the landlord contravenes:

- a) the RPZ rent increase restriction under section 19(4A) of the **Residential Tenancies Act 2004**;
- b) the requirement to serve the RTB with the prescribed Notice of Exemption from the RPZ rent restriction and supporting documents within one month of the setting of the rent;
- c) the requirement to inform the RTB of an alteration to the rent payable and any other details that have altered since the tenancy was last registered within one month of such an alteration occurring.

Improper conduct by a landlord can result in the RTB imposing a fine of up to €15,000 and a further €15,000 in costs.

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) rent increase restriction in respect of a particular dwelling in a RPZ.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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