

## **'Part 4' rights and the Residential Tenancies Act 2004**

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The Residential Tenancies Act 2004 gives security of tenure to tenants who have been in a tenancy for a minimum period of 6 months.

A tenant, who has been in occupation of a property for 6 months or more and hasn't been issued with a valid notice of termination, is entitled to remain in the property for a further 3 & 1/2 years amounting to 4 years in total. This is referred to as a 'Part 4' tenancy after the relevant section of the Residential Tenancies Act 2004.

Permission is not needed from the landlord to obtain Part 4 rights - the tenant is automatically entitled to the statutory protection of Part 4 after 6 months.

There are a small number of exceptions to 'Part 4' which include; Section 50 student accommodation of accommodation that is connected to a job.

### **Termination of a 'Part 4' tenancy**

'Part 4' tenancies can only be terminated under very specific conditions:

1. Breach of tenant obligations – e.g. rent arrears or anti-social behaviour
2. Dwelling is no longer sufficiently large enough for the tenants
3. The landlord intends to sell the property within 3 months
4. The landlord requires the property for his own use or that of a family member
5. The landlord intends to substantially refurbish the dwelling
6. The landlord intends to change the use of the dwelling

### **Notice of Termination**

In order to be valid, a notice of termination must be:

- In writing
- Signed
- Specify date of service
- If landlord is terminating a 'Part 4' tenancy, state the reason
- Specify termination date (Day/Month/Year)
- Indicate tenant has full 24 hours to vacate
- State that any issue as to the validity of the notice or person serving it must be referred to the Private Residential Tenancies Board with 28 days of receipt.