

GUIDANCE NOTE

Rent Reviews:

A landlord can only increase the rent once in any 24 month period, and cannot increase within 24 months of the commencement of the tenancy except in limited circumstances such as a complete refurbishment of the property which affects the market rent of the dwelling. The Residential Tenancies Act prohibits a landlord from setting a rent that is in excess of market rent. If a landlord intends increasing the rent, they must inform the tenant, in writing, of any increase in rent, 90 days before the increase is due to take effect. A valid notice in the prescribed form served by a landlord must state the amount of rent and the date to which it is to have effect. A landlord is also required to notify the RTB of the revised rent so that the registrations details can be updated.

Where a valid notice of a rent review has been served by the landlord then either party can submit a dispute to the RTB before the new rent is to have effect or before the expiry of the 90 days notice from the tenant receiving that notice. There is no time limit where an invalid notice is served.

What is Market Rent?

Market rent is defined as a rent that a willing tenant not already in occupation would give and a willing landlord would take for the dwelling, having regard to other terms of the tenancy and the letting values of dwellings of a similar size, type and character to the dwelling and situated in a comparable area to that in which it is situated.

The RTB also have a useful rent index on our website www.rtb.ie that reflects the **actual** rents being paid, according to the RTB's records, as distinct from the **asking or advertised** rent, which is the basis of other rent reports. Those reports may also be useful to support any dispute to the RTB.

Example:

A landlord reviews the rent of a dwelling on 1 January 2016 by serving a 90 day notice of rent review indicating that the change will take effect from the 1 April 2016. A subsequent Notice of Rent Review can not issue until 1 January 2018 and must also provide 90 days notice prior to the change taking effect.

The RTB recommend that you give additional days when calculating the required notice period to ensure sufficient notice is provided.

It is important that records of the three comparable dwellings used to list the amounts of rent sought on the notice are kept. If a dispute case were to arise in relation to the notice these would be sought as evidence for the case.

Notice of Rent Review

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

1. A review of the rent under the tenancy of your dwelling 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 **[state date from which the new rent is to have effect]**.
3. Any dispute in relation to the setting of a 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 the 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 sought¹ 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 rent sought]**

Dwelling 2 **[Insert rent sought]**

Dwelling 3 **[insert rent sought]**

6. Date: **[Insert date that notice is signed]**
7. Signature: **[To be signed by landlord/authorised agent]**

¹ '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.