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01 December 2021

PRIVATE RENTED SECTOR IN NORTHERN IRELAND –
NOTICE TO QUIT CONSULTATION DOCUMENT

Minister Hargey has today launched the above consultation which will run until 25 January 2022.

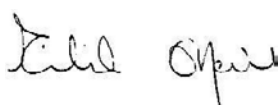
As a result of the Department's consultation on proposals to reform the private rented sector, legislation is being introduced to improve standards in the sector. One of the proposed improvements is to extend the notice to quit period a landlord must give a tenant.

This consultation seeks views on a number of options for the notice to quit period and you are invited to take this opportunity to respond to this document.

A copy of the consultation document can be accessed at the following link –

[Consultation on Notice to Quit | Department for Communities](#)

Yours sincerely,



Eilish O'Neill & Conrad Murphy
Managers, Private Rented Branch



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www.communities-ni.gov.uk

Notice to Quit Consultation

December 2021

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Ministerial Foreword

Earlier this year my Department published the response to the consultation on proposals to reform and make the private rented sector safer and a more secure housing option.

Due to the urgent need for improved standards in the sector I decided to introduce legislation to bring about reform in the Private Rented Sector in 2 phases:

- Firstly those proposals that could be advanced in the time frame available would be brought forward in a Bill to be delivered during the current Assembly mandate; and
- Secondly a further phase of work, such as letting agent regulation, grounds for eviction and a review of the fitness standard, to follow as soon as possible in the next mandate.

The Private Tenancies Bill is currently progressing through the Assembly.

The Bill contains a number of proposed improvements including one to extend the Notice to Quit period a landlord must give a tenant. As an initial step, and in line with the original consultation exercise in 2017, I am increasing the Notice to Quit period that a landlord provides to a tenant to 8 weeks. This will come into effect once a tenant has been in a tenancy for more than 12 months and up to 10 years.

The Bill contains a power to further increase the Notice to Quit landlords must give tenants up to 6 months for tenancies longer than a year.

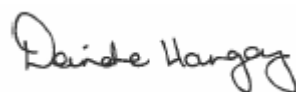
In my view 8 weeks is still an insufficient timeframe to allow tenants to find an affordable, suitable new home and I asked officials to carry out some further research and consultation. The Chartered Institute of Housing (CIH) were asked to carry out research on Notice to Quit periods elsewhere and their research is summarised within this consultation document. A link to the published research Private Rented Tenancies in Northern Ireland and Notice to Quit periods can be found here:

<https://www.cih.org/publications>

This consultation seeks views on a number of options for the Notice to Quit period and will inform the current Bill as it progresses.

I invite you to take this opportunity to respond to the document and help shape the future of the private rented sector.

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Deirdre Hargey
Minister for Communities

SCOPE OF CONSULTATION

Topic of this consultation:	This consultation seeks views on the length of Notice to Quit periods that a landlord or tenant gives to end a tenancy in the private rented sector.
Scope of this consultation:	We are keen to hear the views of all parties with an interest in the proposals so that relevant views and evidence can be taken into account in deciding the way forward.
Geographical scope:	These proposals apply across Northern Ireland.
Impact Assessment:	A summary of evidence to support the proposed changes is included in this consultation document.

BASIC INFORMATION

To:	This is a public consultation about the length of Notice to Quit periods that a landlord or tenant gives to end a tenancy in the private rented sector.
Body/bodies responsible for the consultation:	This consultation is being run by Housing Division in the Department for Communities.
Duration:	The consultation will be open for response from 1 December – 25 January 2022
Enquiries:	<p>For any enquiries about the consultation please email the Department at: prs@communities-ni.gov.uk</p> <p>or write to: Notice to Quit Consultation Department for Communities Private Rented Branch Housing Division Level 3 Causeway Exchange 1-7 Bedford Street Belfast BT2 7EG</p>

**How to
respond:**

You can respond using the following link:
<https://consultations.nidirect.gov.uk/dfc/notice-to-quit/>

If you would prefer not to use Citizen Space, the consultation questions can be accessed in a Microsoft Word document on the consultation website. Responses prepared in this format should be sent to the email or postal address below. **In responding to this consultation please do not submit any sensitive personal data or information.**

You are under no obligation to provide personal details in responding to this consultation.

In line with good practice and sustainable development this document has been published electronically. Responses are accordingly requested, where possible, in electronic format.

You can email your response to the questions in this consultation to: **prs@communities-ni.gov.uk**

Written responses should be sent to:
Notice to Quit Consultation
Department for Communities
Private Rented Branch
Housing Division
Level 3 Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.

Consultation Response:	We will consider the responses received and, following that, publish a consultation report on the Departmental website, which will outline feedback received and the Department's next steps.
Accessibility:	<p>A range of alternative formats are available upon request from this Department.</p> <p>Please email the Department at: prs@communities-ni.gov.uk</p> <p>or write to: Notice to Quit Consultation Department for Communities Private Rented Branch Housing Division Level 3 Causeway Exchange 1-7 Bedford Street Belfast BT2 7EG</p>

HOW WE CONSULT

Consultation Principles:

This consultation is being conducted in line with the Fresh Start Agreement – (**Appendix F6 - Eight Steps to Good Practice in Public Consultation-Engagement**). These eight steps give clear guidance to departments on conducting consultations.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/479116/A_Fresh_Start_-_The_Stormont_Agreement_and_Implementation_Plan_-_Final_Version_20_Nov_2015_for_PDF.pdf

Feedback on the consultation process:

We value your feedback on how well we consult. If you have any comments about the consultation process (as opposed to comments about the issues which are the subject of the consultation), including if you feel that the consultation does not adhere to the values expressed in the **Eight Steps to Good Practice in Public Consultation-Engagement** or that the process could be improved, please address them to:

Email: prs@communities-ni.gov.uk

or write to:

Notice to Quit Consultation
Department for Communities
Private Rented Branch
Housing Division
Level 3 Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Freedom of Information:

The Department intends to publish a summary of responses on its website on completion of the consultation process.

All information will be handled in accordance with the General Data Protection Regulations (GDPR). Respondents should be aware that the Department's obligations under the Freedom of Information Act 2000 may require that any responses, not subject to specific exemptions under the Act, be disclosed to other parties on request.

For further information about Freedom of Information and GDPR please contact the Information Commissioner's Office at:
<https://ico.org.uk/>

After the consultation a summary of responses will be published and placed on the Government website at:
<https://www.communities-ni.gov.uk/consultations>

Information provided in response to the consultation document, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes e.g. Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018.

When you are responding, if you want information to be treated as confidential, including personal data that you provide, please say so clearly in writing and explain why you need these details to be kept confidential.

If we receive a request for disclosure under the FOIA, we will take full account of your explanation, but due to the law we cannot provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

DfC is the data controller in respect of any personal data that you provide, and DfC's privacy notice, which gives details of your rights in respect of the handling of your personal data, can be found at:
<https://www.communities-ni.gov.uk/dfc-privacy-notice>

Introduction / Executive Summary

This public consultation document follows on from the second stage in the Department's review of the role and regulation of the private rented sector. It asks a number of questions on what is considered a reasonable Notice to Quit period.

The aim of the paper is to seek a comprehensive range of views and opinions which the Department can use to inform its policy position on the extension to Notice to Quit periods, and any possible exemptions to these.

1. Part 1 - Summary of Commissioned Research - Notice to Quit in NI

The CIH research began by looking at the Notice to Quit period and experience of landlords and tenants in NI.

Notice to Quit

1.1 The period of notice required by landlords and tenants to validly end a private tenancy is set out in Article 14 of the Private Tenancies (Northern Ireland) Order 2006. The notice was originally four weeks, but from 30 June 2011 was amended for tenancies longer than five years' duration as set out below. This amendment was made by the Housing (Amendment) Act (Northern Ireland) 2011.

- 4 weeks' notice, for tenancies up to 5 years' duration;
- 8 weeks' notice, for tenancies longer than 5 years and up to 10 years' duration;
- 12 weeks' notice, for tenancies longer than 10 years' duration.

The notice must be in writing.

1.2 The required notice period has been temporarily extended to 12 weeks for all tenancies until 4 May 2022, by

The Private Tenancies (Coronavirus Modifications) Regulations (Northern Ireland) 2021. This consultation is not seeking views on any future temporary extension as a result of the Coronavirus pandemic.

1.3 If the notice is given during a periodic tenancy¹, neither party needs to give a reason. The only requirements are that the relevant notice period is observed and that the notice is in writing. After the Notice to Quit period has ended the tenancy, if the tenant remains in the property it is unlawful for the landlord to enforce their right to recover possession except via court proceedings – this is set out under Article 56 of The Rent (Northern Ireland) Order 1978.

1.4 While fixed term tenancies are outside the scope of this consultation it is useful to point out if the notice is given during a fixed-term tenancy, there are contractual and legal implications. For example, if the tenant wants to end the tenancy before the end of the term the deposit would typically be lost and the tenant continues to be liable for rent for the remainder of the term, unless the landlord agrees to accept the surrender of the tenancy. If the landlord wishes to terminate the lease, they can only do

1 If a tenant stays on in a property with agreement from the landlord once the initial term of a tenancy agreement ends the tenancy becomes periodic and runs week to week or month to month

so in accordance with a term in the agreement which expressly states that they can retake possession (a right to re-enter/forfeiture). By Article 55 of The Rent (Northern Ireland) Order 1978 the landlord can only enforce this right through a court order which is usually only granted if the landlord serves notice, can show the term has been broken, and the court agrees it is just and equitable to end the tenancy. Most agreements contain standard clauses whereby the tenant forfeits the lease for rent arrears, property damage or anti-social behaviour. But if these are absent (usually because there is no written agreement) the tenant can remain in possession until the end of the term. In all cases if Notice to Quit has not been properly served by the landlord, the judge will likely dismiss a possession case. A Notice to Quit is only required to terminate a periodic tenancy and not to end a fixed-term tenancy (which automatically ends once the end date is reached), but it is accepted good practice that the landlord should notify the tenant at least 28 days before the term ends that they do not intend to renew the tenancy.

Estimates of tenants and landlords experience of Notice to Quit

1.5 In general, the PRS is one of the less well researched parts of Northern Ireland's housing system. It can be

difficult obtaining sufficient response rates to surveys forming part of PRS research. The House Condition Survey has been one reliable source of information on the PRS; most recently the 2016 survey was used to identify private tenants to participate in PRS research that year, which covered their experiences of living in the sector (see link below to published tenant survey). This included questions on reasons for leaving their previous accommodation, as well as the length of time in their current and previous homes.

<https://www.nihe.gov.uk/Documents/Research/Private-tenants-survey/private-tenants-survey-2016.aspx>

Recent research also includes the survey of private landlords in 2019, published in October 2020 (see link below to published landlord survey).

1.6 18 percent of respondents said in the past five years that they had evicted, not renewed or ended the tenancies of tenant/s who paid all of their rent themselves or who received housing benefit; the most common reason was "rent arrears caused by reasons other than welfare changes", followed by "damage caused to the property/ furnishings" and "nuisance caused to other neighbours".

1.7 A further two percent said they had done so in the past two years for tenant/s who received the housing

costs element of universal credit, but the numbers were too small to analyse the reasons.

<https://www.nihe.gov.uk/Documents/Research/Private-Landlords-Survey/survey-of-private-landlords-2019-key-findings-repo.aspx>

- 1.8 The CIH research suggests that while an incomplete view, the above data supports a view of the PRS as a relatively transient tenure where tenancies largely end due to a variety of tenants' own reasons. Security of tenure issues – such as evictions and non-renewal/cessation of tenancies by landlords – appear to play a small role in the overall reasons behind Notice to Quit, in relative terms.
- 1.9 In quantitative terms, there were 136,000 private rented households in 2016 according to the House Condition Survey, against the abovementioned 20 percent of landlords and nine percent of tenants surveyed who report security of tenure or landlord initiated reasons for leaving the home. This may amount to a sizeable number of tenants experiencing Notice to Quit at any one time.
- 1.10 In 2019-20, over 2,300 households presented to the Housing Executive as homeless due to loss of rented accommodation. While this also includes loss of social rented accommodation, there is of course

no requirement for private tenants to approach the Housing Executive for help with rehousing. Therefore, this number captures some private tenants experiencing Notice to Quit, but it will underestimate the total.

- 1.11 Likewise, data sourced from Housing Rights shows that there were over 3,000 client cases that included a Notice to Quit issue between 2018/19 and 2020/21. The number of these cases rose to an average of 100 per month in 2020/21. The rise is possibly due to clients seeking clarification of the legislative changes brought about due to the pandemic. Over the same three-year period there were an additional 1,200 cases from landlords, featuring a sharp rise in cases during 2020/21.

Finding alternative accommodation within current Notice to Quit periods

- 1.12 Housing Rights research published in the past year highlights some of the reasons that clients are refused a tenancy or have their options restricted when seeking alternative accommodation. Fundamentally, this can add to the time taken to find new accommodation, especially in markets with supply constraints. Low-income, and younger people are particularly affected. A primary barrier is the need to provide a deposit and rent in advance, which in some cases resulted in clients "losing access to a

PRS property simply because they were not able to access a means to pay the deposit or rent in advance, even when the landlord was willing to let to them”.

- 1.13 Shorter notice periods will impact people’s ability to raise such funds where they have limited means to do so.
- 1.14 Some clients report being refused PRS accommodation due to being in receipt of benefits. Advisors also cite cases where people have reported being refused properties because of their age and because they have pets.
- 1.15 The availability of accommodation that is affordable was also an issue for clients in the research. The local housing allowance ‘shared accommodation rate’ particularly restricts options for younger, single people with low incomes. This all highlights the importance of ensuring that notice periods and the statutory framework offer people tenancy security in the first instance and followed by a reasonable period for which to seek alternative accommodation that is suitable for their circumstances.

Review of the private rented sector

1.16 The review of the private rented sector was taken forward in two stages:

- Firstly a discussion paper was published in November 2015 to identify the issues impacting on those living and working in the sector; and

<https://www.communities-ni.gov.uk/consultations/review-role-and-regulation-private-rented-sector>

- Secondly a consultation document issued in January 2017 containing firm proposals for change

<https://www.communities-ni.gov.uk/consultations/private-rented-sector-northern-ireland-proposals-change>

1.18 Both documents included questions relating to Notice to Quit periods with 65 percent of respondents supporting the proposal to extend the Notice to Quit period to two months, while 35 percent were not in favour. Some tenants as well as stakeholder representatives felt that the current 4 week notice was not long enough for tenants to find suitable alternative accommodation, pack up belongings and move to a new property.

1.19 The current Private Tenancies Bill amends the Notice to Quit period that a landlord gives a tenant to 8 weeks for tenancies over 12 months and up to 10 years but the Bill also contains

a provision for the Department to change the Notice to Quit period to 6 months or a period less than that.

- 1.20 In the next section we will summarise the CIH research (a link to the published report is provided) to inform this consultation so that respondents can consider the research in determining their views.

2. Part 2 - Summary of Commissioned Research - Notice to Quit in NI Other Jurisdictions

- 2.1 CIH research looked across a range of other jurisdictions and found that approaches vary greatly from one jurisdiction to the next, with levels of security ranging from low to high. The countries that afford greater security do so through options including fixed-term, open-ended and indefinite tenancies; longer notice periods to end a tenancy; and by limiting the circumstances under which a landlord may terminate a tenancy.
- 2.2 The research explains how Notice to Quit periods for ending a PRS tenancy are part of the process by which tenancies can be brought to an end; they sit within legal frameworks offering greater or lesser degrees of security for tenants. Notice periods therefore need to be viewed in the

context of each country's overall legal framework for tenancies and their security in the PRS.

- 2.3 Comparing NI with these other jurisdictions (see Annex: Tabular summary of types of tenancy and termination rules in different countries) and considering Notice to Quit within the context of the legal framework, CIH assess that the level of security currently provided in NI is low.
- 2.4 The research suggests reasons for this are threefold. First, fixed-term tenancies are typically short, normally for an initial period of 12 months, or a default six months if the term is not stipulated in the tenancy agreement. Second, no-grounds termination is allowed for periodic tenancies. Third, the typical length of tenancies falls short of five years as indicated further below, and only four weeks' notice is required in these cases. The current move to increase the minimum Notice to Quit period a landlord has to give to 8 weeks for tenancies lasting longer than 12 months is acknowledged.
- 2.5 The research concludes that the statutory framework for Notice to Quit and tenancy security is very light and leaves much to the determination of common law largely through freedom of contract, even though balance of power issues arise.

For example, in periodic tenancies, tenants who try to enforce the landlords' repairing obligations under the lease or the law could put themselves at risk that the landlord will respond by serving a Notice to Quit (so called retaliatory eviction).

- 2.6 Details of all the countries that CIH examined can be seen in the table at Annex A. Full case studies on each of the countries (Germany, Australia, Canada, Republic of Ireland, Scotland and England & Wales) are also available in the published report Private Rented Tenancies in Northern Ireland and Notice to Quit periods: <https://www.cih.org/publications>

3. Part 3 - Summary of Commissioned Research - New Research

- 3.1 As well as looking across other jurisdictions CIH also carried out some new research on the experiences of Notice to Quit in Northern Ireland and full details including analysis of the results can be found in part 4 of the published report.
- 3.2 A representative online opinion survey was used and this was followed by an online poll hosted by CIH to gather additional/more qualitative data and identify candidates for interview.

- 3.3 The poll was designed to survey people with experience of leaving private rented accommodation and results showed that most tenancies are ended by tenants, the vast majority giving notice and landlord led terminations are small. This corresponds with responses to the prs review that tenancies largely end due to a variety of tenants' own reasons.
- 3.4 The poll also asked questions around duration of stay in private rented accommodation and reasons for leaving private rented accommodation.
- 3.5 Respondents were then offered a series of statements regarding length of notice period to see if they felt it was adequate for them to secure alternative accommodation.
- 3.6 More than three quarters (77%) of respondents said that the notice period was about right to secure suitable alternative accommodation. These people tended to be working (both full time and part time), were living in Belfast, Lisburn & Castlereagh or who owned their house outright whereas those who said that the notice period was too short tended to be people who were:
- Still renting from a private landlord;
 - Unemployed;
 - Living with a disability;

- With caring responsibilities, or
- Living in the Mid and West regions.

Qualitative Research with Landlords and Tenants

3.7 This survey was made available for landlords who have experience issuing a Notice to Quit and for tenants whose most recent home was private rented accommodation and who therefore had experience of a tenancy coming to an end. Two separate surveys were undertaken, one for landlords to complete (104 responses) and another for tenants (25 responses). The underrepresentation of tenants in the survey was balanced by seeking a similar proportion of tenants and landlords for the interviews.

Tenant Survey and Interview Findings

3.8 64 percent of tenants who responded to the survey said that the notice they had to leave their previous home was too short to secure suitable alternative accommodation. Thirty six percent of respondents said that the notice they received to leave their previous home was about right to find alternative accommodation.

3.9 Both the survey results and proceeding qualitative interviews revealed a strong sense from a tenant's perspective that the current Notice to Quit period should be lengthened.

3.10 32 percent of survey respondents considered 'six months or more' to be a reasonable notice period for securing alternative accommodation, while only four percent cited 'less than one month' as being a reasonable timeframe to secure alternative accommodation. Twenty percent of respondents favoured 'two months or more but less than three months' which is roughly the equivalent to the 12-week temporary Notice to Quit period currently in place.

3.11 The qualitative interviews with tenants showed no uniform view as to what the Notice to Quit period should be lengthened to. Whilst some tenants were content to see any reform from the current statutory four week Notice to Quit period, others specifically cited the temporary 12-week Notice to Quit period as a much more appropriate timeframe.

3.12 There was some hesitancy in regard to extending the period longer than the current four weeks without the relevant changes to homeless presentation rules that state you can only be assessed as a 'Full Duty' homeless applicant by the Housing Executive if you are likely to become homeless within the proceeding 28-day period. Thus, the 12-week notice period would be problematic if any persons wanting to present as homeless couldn't do so until the final third of their notice

period. Other concerns included the inability to secure alternative accommodation 12-weeks in advance of vacating the property; the difficulty of securing a new private tenancy due to the competitiveness of the current market; and the financial inability of landlords to hold a new property for that length of time without asking for rent or increasing the deposit.

- 3.13 The vast majority of tenants surveyed cited the difficulty with being able to find alternative rental properties once receiving a notice from the landlord. There was a general agreement that the private market is being out-stripped by housing need. One participant explained that she had placed over 20 applications for rental accommodation and was unsuccessful in securing offers from letting agents or landlords in these instances.
- 3.14 Of tenants surveyed, the most cited reason (24 percent) for receiving a Notice to Quit was the landlord wanting to sell the property. The qualitative interviews revealed that in these instances the tenants had hoped to remain within the property long term.

Landlord survey and interview findings

- 3.15 The overwhelming view of landlords who responded to the survey, and those who were subsequently interviewed, was that the Notice to Quit period should not be lengthened. Of those who responded to the survey, 65 percent ended the tenancy in question less than one year ago and therefore, for those who issued a Notice to Quit would have been impacted by the temporary 12-week Notice to Quit period (in place due to Coronavirus emergency legislation).
- 3.16 40 percent of landlords considered the notice period that was given to be 'too long' (almost three-quarters of landlords who said this had ended the tenancy themselves, by giving notice to the tenant). Forty-eight percent stated that the notice period was 'about right' (in this case there was a mix of tenant- and landlord-led terminations). Only 12 percent of landlords said that the notice period was too short – in almost all these cases the tenant had given notice.
- 3.17 When asked what they considered to be a reasonable notice period to be for ending a tenancy, the majority of landlords (64 percent) roughly opted for the status quo (four weeks), indicating that 'one month or more, but less than two months' was a

reasonable timeframe. Only four percent of landlords consider the current temporary 12-week notice period to be a reasonable timeframe when they selected ‘three months or more but less than four months’. The results also show that no landlord who completed the survey felt that the notice period should be four months or longer. Those landlords who were interviewed also felt strongly that the notice period must be the same for both tenants and landlords and that any asymmetrical notice period would be unfavourable with landlords.

- 3.18 All landlords who were interviewed referenced at least one negative experience of renting to tenants. They advised that in those instances had the Notice to Quit period been longer it would have created further problems for them, such as falling into financial difficulties.

4. Part 4 - Summary of Commissioned Research - European Convention on Human Rights

European Convention on Human Rights: protection of property and ‘control of use’

- 4.1 The CIH research also examines potential extended Notice to Quit periods may have on the European Convention on Human Rights (ECHR).

- 4.2 It concludes that any change to Notice to Quit periods needs to comply with, in particular the impact on, Protocol 1, Article 1 (Protection of Property) within the European Convention on Human Rights (ECHR). That is:

‘Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties.’

- 4.3 Any change to Notice to Quit periods involves an interference by way of imposition and control on use of property and the Department must ensure that the imposition of that control is justified and proportionate.

Exemptions from longer Notice to Quit periods

- 4.4 The CIH report considers this further. From a legal perspective, interference by the state with the contractual notice period represents ‘control of use’ under Article 1, Protocol 1 of the European Convention of Human Rights concerning

protection of property. While it seems unlikely that a court would conclude that a statutory notice period of six months or less would violate the Convention, it is likely to take account of the exact conditions before finding that they are incompatible.

- 4.5 The report gives an example of a court case where the court took into account the fact that emergency laws postponing possession allowed for exceptions such as for rent arrears or for other reasons where the landlord urgently required possession.
- 4.6 While exceptions are beneficial in a legal context, fundamentally landlords need to be reassured that they can regain possession of their property within appropriate timescales in the small number of cases where things go wrong.
- 4.7 An example given in the report is in the Republic of Ireland the landlord is only required to give seven days' notice if a tenant's behaviour is seriously anti-social or threatens the fabric of the property. Eight weeks or more is understandably a long time to wait where serious damage to the property is taking place, potentially storing up more problems to address at the end of the tenancy. Such damages can be costly as is the case when tenants stop paying rent and get into serious rent arrears.

- 4.8 In cases of rent arrears, good housing management practice involves early intervention from the landlord to attempt to address the problem; tenants should be given the opportunity to pay the arrears. However, if arrears persist and become serious, a longer Notice to Quit period may not be appropriate. Faced with a case of serious rent arrears, long notice periods may mean landlords receive minimal rent payments or none at all. This stores up the potential for protracted debt recovery action with uncertain results, as well as problems for individual landlords.

The Consultation Proposals

- 4.9 The Private Tenancies Bill, as drafted, will change the Notice to Quit period that a landlord is required to give a Tenant to:
 - i. Tenancy less than 12 months – 4 weeks' Notice to Quit;
 - ii. Tenancy more than 12 months but less than 10 years – 8 weeks' Notice to Quit; and
 - iii. Tenancy more than 10 years – 12 weeks' Notice to Quit

4.10 It will also change the Notice to Quit period that a tenant is required to give a landlord to:

- i. Tenancy less than 10 years – 4 weeks' Notice to Quit; and
- ii. Tenancy more than 10 years – 12 weeks' Notice to Quit.

4.11 Responses to the 2017 consultation document gave evidence from landlords and agents that most tenancies end at the request of the tenant and on occasion without the tenant giving the landlord or agent notice. Some tenants, however, as well as stakeholder representatives wanted the Notice to Quit period of four weeks extended to eight as they felt four weeks was too short a time to find suitable new affordable accommodation.

4.12 Minister Hargey has made it clear that she thinks 8 weeks' notice is still too short a time for a tenant to be asked to leave their home, find a suitable new house that they can afford, maybe find a new school and childcare for their children and pack up all their belongings.

4.13 The research completed by CIH on behalf of the Department has been provided in this document as a valuable source of information to help inform the consultation.

4.14 Respondents will get the opportunity to choose one of 3 options regarding Notice to Quit periods (for tenancies longer than 12 months):

- 8 weeks' Notice to Quit as laid out in the Private Tenancies Bill
- 12 weeks' Notice to Quit as currently exists due to the emergency legislation
- 26 weeks' Notice to Quit

as well as answer some more general questions including whether there is a need for any exemptions to longer Notice to Quit periods.

4.15 The CIH research and responses to this consultation will assist in providing more nuanced advice on the proportionality balancing exercise required to further amend the Notice to Quit period.

Annex: Tabular Summary of Types of Tenancy and Termination Rules in Different Countries

Country	Types of Tenancy	Grounds for Termination	Notice Period for Termination by Landlords	Termination by Tenants	Tribunal or Other Arrangement	Level of Security
Australia	Short (6–12 months), fixed-term and periodic tenancies	Prescribed grounds at any time. No-grounds termination allowed once fixed term has ended (except in Tasmania and Victoria)	Vary by state. Range from: <ul style="list-style-type: none"> tenant's breach – 2 weeks' notice sale of property – 30–60 days no-grounds – from 42 days to 26 weeks 	End of fixed term – 14–28 days Before the end of a fixed term, only limited circumstances – up to 21 days. In periodic tenancies – up to 28 days depending	Tribunal decides possession cases	Low-medium
Canada	Mostly short (6–12 months), fixed-term and periodic tenancies	Mostly prescribed grounds only; some allow termination at end of fixed term; no-grounds termination allowed in certain provinces	Range from very short (a few days) for failure to pay rent up to 120 days for major repairs, but vary according to province.	Typically two months' notice.	Practice varies, e.g. tribunals (Ontario); appeal to an officer (Newfoundland)	Low-medium
England & Wales	Short (6–12 months), fixed-term and periodic tenancies	No-grounds termination allowed	Two months for no-fault evictions; shorter periods for rent arrears etc. (2–8 weeks, see text)	For weekly or fortnightly periodic, four weeks; for monthly periodic, one month. For fixed-term, only at end of fixed term unless there is a break clause.	Court decides possession cases	Low

Country	Types of Tenancy	Grounds for Termination	Notice Period for Termination by Landlords	Termination by Tenants	Tribunal or Other Arrangement	Level of Security
New Zealand	Short (6–12 months), fixed-term and periodic tenancies	Fixed-term tenancies cannot be ended early except for prescribed reasons. Periodic tenancies can be ended. No-grounds terminations recently prohibited.	Scale of notice periods from immediate after successive notices for arrears, up to 63–90 days for other specified reasons	Fixed-term tenancies cannot generally be ended; periodic tenancies can be ended with 28 days' notice.	Tribunal decides possession cases	Low-medium
Republic of Ireland	Short fixed-term and periodic tenancies	Prescribed 6-year cycle with fewer restrictions on termination in initial six months, then prescribed grounds only	Sliding scale of notice periods from very short (e.g. 7 days for ASB) to much longer periods, depending on length of tenancy (e.g. 112 days after 4 years, 224 days after 8 years)	Tenants can give notice without having a reason, with notice periods varying from 4–16 weeks depending on the length of tenancy.	Cases can be decided by tribunal, but official mediation and adjudication services also exist	High
Scotland	Private residential tenancies, no fixed term	Prescribed grounds only (but there are more than in RoI)	Minimum 28 days (e.g. for ASB); for most prescribed grounds, notice is 12 weeks once the tenancy has lasted at least 6 months (28 days if less than 6 months)	Tenants can give 28 days' notice	Tribunal decides possession cases	Medium
Austria	Three-year minimum, converted to indefinite on renewal.	Limited prescribed grounds only (e.g. at least 3 months arrears)	One month after court decision	Three months, earliest one year after contract	District court decides possession cases	High

Country	Types of Tenancy	Grounds for Termination	Notice Period for Termination by Landlords	Termination by Tenants	Tribunal or Other Arrangement	Level of Security
Belgium	9-year fixed terms, but most are 3-year terms	Termination allowed at end of fixed term with limited other prescribed grounds	9-year tenancy: 6 months; shorter tenancies:	Three months	District court decides possession cases	High
Finland	Mix of fixed-term and open-ended tenancies	Prescribed grounds only; fixed-term contracts are difficult to terminate within the term	Depending on length of tenancy, either 3 or 6 months	One month	Role of courts limited: decisions made by bailiffs	Medium
France	Fixed terms, 1-6 years	Limited, prescribed grounds only	3-6 months	Three months (unfurnished); one month (furnished)	Cases decided by court if mediation tribunal fails to resolve	Medium
Germany	Little use of fixed-term tenancies; tenancies typically open-ended	Limited, prescribed grounds only	Rules are complex but effectively the shortest notice period is almost 3 months in most cases and can be as long as 9 months if tenancy has lasted 8 years or more; for arrears or criminal behaviour periods are shorter	Tenants can give notice – usually three months	Court decides possession cases	High
Italy	Fixed-term tenancies of four years with option for tenant to extend for four more years	Limited grounds (e.g. sale) in first 4-year period, beyond that no-grounds termination is allowed	Six months' notice	Tenant can give six months' notice but for limited reasons	Tribunal decides possession cases	High

Country	Types of Tenancy	Grounds for Termination	Notice Period for Termination by Landlords	Termination by Tenants	Tribunal or Other Arrangement	Level of Security
Malta	Either short-term (up to six months) or long-term (minimum one year)	Appear to be no prescribed grounds in recently reformed law, but landlords must adhere to notice periods	Short-term: on termination; long-term: three months' notice	Tenants can give 1-3 months' notice depending on length of tenancy, after a determined period from start of tenancy	Adjudication panel decides on landlord-tenant disputes	High
Netherlands	Tenancies typically open-ended	Limited prescribed grounds only	3-6 months	1-3 months	District court or rental committee depending on tenancy type	High
Spain	3-5 year fixed terms with some provision for early termination	Termination at end of and, in limited circumstances during, fixed term	Varying periods up to two months	One month	Tribunal decides possession cases	Medium
Sweden	Little use of fixed-term tenancies; tenancies typically open-ended	Prescribed grounds only	Three months	Three months	Complex picture: both courts and rent tribunals have a role in possession cases	High
Switzerland	Tenancies typically open-ended	Limited, prescribed grounds only	Three months	Three months	Tribunal-type system ('conciliation authority')	High

Note: The table has been compiled from a variety of sources, some in translation, therefore it should not be relied on as a definitive description of the tenancy arrangements in each country.

Available in alternative formats.

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ANNEX B

NOTICE TO QUIT CONSULTATION

Overview

The Private Tenancies Bill which is currently making its way through the NI Assembly contains a clause to increase the Notice to Quit period that a landlord is required to give a tenant to 8 weeks for tenancies lasting more than 12 months up to 10 years. It also amends the Notice to Quit that a tenant has to give to 4 weeks if the tenancy has not been in existence for more than 10 years and 12 weeks if more than 10 years.

The Department wants to test if 8 weeks is a sufficient timeframe to allow tenants (resident in their homes for more than a year) to find an affordable, suitable new home and has therefore included a range of alternative Notice to Quit options for you to consider.

Minister Hargey asked for some further research to be carried out on a range of Notice to Quit options and this work was recently completed by the Chartered Institute of Housing. This research has been summarised within the consultation document to provide additional context.

It is important to note that the draft Bill contains a provision which would allow the Notice to Quit to be amended in the future.

Why your views matter

The aim of the public consultation is to seek a comprehensive range of views and opinions which the Department can use to inform its' policy position on any extension to the Notice to Quit period.

The Department will consider the responses received and, following that, publish a consultation report on the Departmental website, which will set out an analysis of responses and the Department's next steps.

The information you provide in completing this survey will be controlled and processed in line with Data Protection Legislation by the Department. To find out more about how we handle your personal information, DfC's Privacy Notice can be viewed online at www.communities-ni.gov.uk/dfc-privacy-notice

In order to facilitate the survey, Citizen Space, which is not operated by DfC, is used as a data processor. Details of Citizen Space's privacy policy can be found online at www.delib.net/legal/privacy_policy

Further information

In responding to this consultation please do not submit any sensitive personal data or information. You are under no obligation to provide personal details in responding to this consultation.

We will only use your information for the purposes of analysis of feedback to this consultation.

Introduction

Please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation:

(Required)

- ☐ I am responding as an individual
- ☒ I am submitting an official response on behalf of an organisation

Responding as an individual

If you are responding as an individual, which of the following best describes your interest in the consultation? (please tick one)

(Required)

Please select only one item.

- ☐ I am interested from a tenant perspective
- ☐ I am interested from a landlord perspective
- ☐ Other (please specify in space below)

n/a

Responding on behalf of an organisation

If you are responding on behalf of an organisation, which of the following best describes your organisation? (please tick one option)

Please select only one item.

- ☐ Private Landlord
- ☐ Social Landlord
- ☐ Letting agent
- ☒ Local Government/Council
- ☐ A housing sector representative body
- ☐ Charity dealing with housing issues
- ☐ Other (please specify in space below)

Mid Ulster District Council

Notice to Quit

In responding to the questions below, please try to support your response with facts, data, specific examples or other forms of evidence to substantiate your point of view.

The purpose of Notice to Quit

Either a tenant or a landlord may end a tenancy by giving a Notice to Quit. This provides time for the landlord to make arrangements to find a new tenant and gives the tenant time to find somewhere else to live. The usual length of a private tenancy Notice to Quit in Northern Ireland is the same for tenants and landlords although it is worth noting this was temporarily amended during the Covid emergency.

When a tenant gives Notice to Quit to a landlord it is normally because they have secured alternative accommodation whereas when a landlord gives a tenant a Notice to Quit that tenant then has to secure suitable affordable alternative accommodation which can be challenging in terms of supply and affordability. Therefore the Department considers that the Notice to Quit a landlord is required to give a tenant should be longer than the notice that a tenant is required to give.

The Department is particularly interested in views on the length of Notice to Quit that landlords should give to tenants.

1. Do you agree that the length of notices to quit for landlord and tenants should be different?

☒ Yes

☐ No

Mid Ulster District Council agrees that when a landlord gives a tenant a Notice to Quit, that the tenant then has to secure suitable affordable alternative accommodation which can be challenging in terms of supply and affordability.

Therefore Mid Ulster District agrees that the Notice to Quit a landlord is required to give a tenant should be longer than the current notice that a tenant is required to be given. The Council would like to ensure that a tenant is given adequate notice so that they may find suitable alternate accommodation which can be difficult in the privately rented sector

Council supports the same period of notice to quit for landlord and tenant. Council have knowledge of both parties experiencing challenges when unexpectedly a tenancy ends. The same length of notice will also avoid confusion. The proposed periods of notice to quit within the Private Tenancies Bill are in the Councils view deemed appropriate.

Use this box for further explanation if required:

That Notice to Quit should vary depending on the length of time in the tenancy

The Department considers that the longer a tenant has lived in a private tenancy the more disruption a Notice to Quit will cause as they try to secure suitable alternative accommodation.

2. Do you agree that Notices to Quit should vary depending on the length of the tenancy?

☒ Yes

☐ No

Use this box for further explanation if required:

Mid Ulster District Council agrees that that the longer a tenant has lived in a private tenancy the more disruption a Notice to Quit will cause as they try to secure suitable alternative accommodation.

Mid Ulster District Council agrees that Notice to Quit periods should vary depending on the length of the tenancy.

Where a tenant has occupied a property for a significant period of time, they will have developed strong links to a particular area especially for children attending school and for those who require access to additional community or voluntary support.

The extended period of time will allow tenants more time to find suitable accommodation to meet their needs and individual circumstances.

Tenancies less than 12 months

The Department proposes to retain a 4 week Notice to Quit for tenancies of up to a year. There are various reasons for this, including:

- Most tenancies start with a one year contract, so while a Notice to Quit being issued is good practice, the end date of the tenancy is specified from the beginning. The statutory Notice to Quit only applies where there is no written contract or the contract does not contain a fixed term.
- Tenants require short term contracts for a variety of reasons, and these are required to be flexible. The Department does not want to overly constrain the supply of such tenancies, given the need for them.

3. Do you agree that the length of notice for shorter term tenancies of up to 12 months should remain at 4 weeks?

☒ Yes

☐ No

The Council supports the view that 12 month fixed term tenancies should be given more than 4 weeks notice to quit.

Mid Ulster District Council agrees that the length of notice for shorter term tenancies of up to 12 months should remain at 4 weeks where the end date of the tenancy is specified from the beginning.

Mid Ulster District Council agrees that the statutory Notice to Quit should

Emergency legislation passed in 2020 increased minimum notice to quit periods from 28 days to 12 weeks. This legislation is currently in effect until March 2022.

Mid Ulster District Council would support the continuation of 12 week notice to Quit Period (where the tenancy is between

Mid Ulster Council agrees that the the Notice to Quit specified in legislation should apply across the Private Rented Sector, including to tenancies related to Houses in Multiple Occupation (HMO) properties.

If so in what way?