



Subject:	Department for Communities (DfC) Consultation on New Notice to Quit proposals for the private rented sector
Reporting Officer:	Siobhan Toland, Director City Services
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Restricted Reports

Is this report restricted?

Yes

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No

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Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0

Purpose of Report/Summary of Main Issues

1.1	The Department for Communities has issued a 12 week consultation in seeking to bring in longer notice to quit periods and introducing specific circumstances where shorter notice periods are still permitted under the new regulations namely. The Private Tenancies (Notice to Quit) Regulations (Northern Ireland) 2025.
1.2	The Department's consultation document, associated guidance and equality impact assessment may be accessed via the following weblink: Consultation on notice to quit periods Department for Communities
1.3	Finally, this report provides at Appendix 1, a proposed response to the Department for Communities consultation.
1.4	The Committee is advised that responses to the Department for Communities Notice to quit consultation are to be received by the Department by 29 th March 2026.
2.0	Recommendation
2.1	<p>The Committee is requested to:</p> <ul style="list-style-type: none"> • Note the contents of the report which provides an overview of the Private Tenancies (Notice to Quit) Regulations (Northern Ireland) 2025 and associated guidance. • Agree that the proposed consultation response, provided at Appendix 1 to this report, be submitted to the Department for Communities by the consultation deadline of 29th March 2026. • Members may wish to consider writing to DFC regarding our concerns as to how they propose to support the resourcing of this new regulating function.
3.0	Main Report
3.1	This report serves to provide an overview of the proposals contained in the Private Tenancies (Notice to Quit) Regulations (Northern Ireland) 2025 which allows significantly longer notice-to-quit periods that landlords must give tenants and sets out the specific circumstances where shorter notice periods are still permitted to ensure a fair balance between tenant protection and landlords' rights. It also clarifies how the rules interact with human-rights considerations, such as respect for property and family life, and supports the wider reform of the private rented sector in Northern Ireland.
3.2	<p><u>Proposed Notice to Quit periods:</u></p> <p>The Private Tenancies Act (NI) 2022 introduced the <i>initial</i> longer notice-to-quit periods (4, 8 and 12 weeks) and gave the Department for Communities the power to extend them further in future.</p> <p>The 2025 Regulations use that power to implement significantly longer notice periods and define the circumstances where shorter notice remains appropriate, ensuring human-rights considerations (property rights, family life) are balanced.</p> <p>The increased notice to quit periods are as follows:</p>

- **8 weeks**, if the tenancy has not been in existence for more than 12 months;
- **4 months**, if the tenancy has been in existence for more than 12 months but not for more than 3 years;
- **6 months**, if the tenancy has been in existence for more than 3 years but not for more than 8 years; and
- **7 months**, if the tenancy has been in existence for more than 8 years.

Under The Private Tenancies (Notice to Quit) Regulations (Northern Ireland) 2025 - “the Regulations” - refer to these notice periods as “**standard case notice periods**.” A landlord does not need to give a reason to issue a standard case notice to quit.

It is important to note that before these Regulations commenced a notice to quit given by a landlord did not have to be in a particular form, it simply had to be ‘in writing’. Once the Regulations commence, all notices to quit given by a landlord must be in the prescribed form. The Council supports this approach to providing a prescribed form for all notices to quit as it provides a clear and consistent format for tenants which will assist both landlords and enforcement officers in assessing the validity of notices served and ensuring that due legal process has been followed.

3.3

New Special Case Notice Periods Proposals

There are four circumstances in which a landlord can give a shorter notice period than those set out in Article 14(1A). The Regulations refer to these shorter notice periods as “Special Case Notice Periods.” These circumstances and associated notice periods are set out in the table below:

Notice to Quit Circumstances	Special Case Notice Period
Substantial arrears of rent	1 Month
Engaged in Serious Anti-social Behaviour	2 Weeks
Convicted of a Relevant Criminal Offence	2 Weeks
Possession for occupation by the landlord or landlords’ immediate family	3 months

3.4

Guidance Notes to Explain the Responsibilities as a Tenant/Landlord, under the proposed Regulations

The Guidance notes provide practical advice for landlords and tenants on how to comply with the updated legal requirements. The council welcomes the guidance and agrees that the guidance for tenant/landlords is easy to follow, however some comments and recommendations about the content of the guidance notes have been provided as part of the consultation response.

3.5

Enforcement

The draft regulations do not indicate that failure to comply with the notice to quit periods is an offence. Therefore, in the event that the council receives a

	<p>complaint from a tenant about a notice to quit, it will be investigated in line with the council's procedures for dealing with harassment/illegal eviction in accordance with the Rent (Northern Order)1978.</p> <p>The response to the consultation questionnaire is contained in Appendix 1, however the draft response is summarised as follows;</p>
3.6	<p>Notice to Quit process</p> <p>The introduction of prescribed notice-to-quit forms is welcomed, as this will assist both landlords and enforcement officers in assessing the validity of notices served and ensuring that due legal process has been followed.</p> <p>It is recommended that the guidance also clearly outlines the lawful notice to quit process, as this remains a frequent area of enquiry for enforcement officers and include examples of scenarios that may constitute offences under the Private Tenancies Order for which councils have enforcement powers. The guidance should further provide explicit clarification of the respective roles of councils and the civil courts, particularly in relation to the landlord statement of evidence and the resolution of disputes arising from notices issued by landlords.</p>
3.7	<p>Landlord statement of evidence</p> <p>The council recommends the development of a prescribed landlord's statement-of-evidence form to further promote clarity and consistency.</p>
3.8	<p>Substantial rent arrears</p> <p>In cases involving substantial rent arrears, the landlord should be statutorily obliged to provide evidence of engagement with the tenant to resolve the issue and the solutions explored eg repayment options offered to the tenant and whether these were either declined or were unsuccessful.</p> <p>It could be debated whether a period of two months' unpaid rent should constitute 'substantial' rent arrears. A longer minimum period would, in principle, be more appropriate for the purposes of this ground. In determining if arrears are substantial, regard should also be had to whether the tenant has refused a reasonable repayment arrangement offered by the landlord and also if this is the first instance of arrears or a recurring pattern? Whilst a longer qualifying period may be preferable, it is acknowledged that the additional one-month notice-to-quit requirement will, in effect, result in a total period of approximately three months' unpaid rent prior to the landlord being able to commence possession proceedings. The provision allowing the tenant to pay their arrears and invalidate the NTQ would be welcomed, which supports tenancy sustainment.</p>
3.9	<p>Anti-social behaviour</p> <p>There are concerns about the evidential requirements for proving serious antisocial behaviour. Obtaining police reports can be difficult due to resource pressures. In practice, evidence may also be limited by delays in police responses, neighbours being unwilling to provide statements, incidents not meeting the police threshold for formal actions etc.</p>

	<p>Additionally, property damage may be caused by a vulnerable tenant, and it is our view that repair costs would need to exceed the deposit before this could reasonably be relied upon as evidence.</p> <p>A list of scenarios that do not constitute antisocial behaviour should be included within the guidance to prevent misuse of this shorter notice-to-quit provision. We also recommend that the term 'nuisance' be replaced with 'disturbance' to avoid confusion with a statutory nuisance as defined under the Clean Neighbourhoods and Environment Act (NI) 2011. In this context, the council would welcome clarification from DfC that there is no requirement to demonstrate a 'statutory nuisance' in order to evidence antisocial behaviour, and if repeated annoyance or disturbance would be sufficient to meet the evidential threshold of validity of the shorter notice to quit period.</p> <p>The council would not routinely share noise or ASB reports with landlords, as such information constitutes the tenant's personal data. Any information sharing must be undertaken in accordance with GDPR and the Data Protection Act 2018, and only where the appropriate protocols and a lawful basis is established. The Council would encourage the Department to introduce an additional legal mechanism to allow for the exchange of information with landlords for this purpose.</p> <p>3.10 Convicted of relevant Criminal Offence</p> <p>In relation to the criminal-offence ground for issuing a notice to quit, the guidance should clearly state that the offence must relate specifically to conduct occurring at the rented property or during the current tenancy of the individual to whom the Notice to quit is issued. This clarification is necessary to prevent misuse of this provision, such as issuing a shorter Notice to quit on the basis of historic convictions or offences unconnected to the property or the present tenancy.</p> <p>Guidance should clarify what constitutes acceptable evidence of a relevant conviction determined in the Crown Court. For example, it should be made explicit whether informal sources such as newspaper reports or social-media posts would not be sufficient, and that formal documentation such as an official court extract, conviction certificate, or other verified records would be required.</p> <p>The Council would encourage the Department to introduce additional legislative proposals in respect of grounds for eviction which other jurisdictions have in place in order to reduce the amount of retaliatory evictions.</p> <p>3.11 Evidence required to validate a shorter notice to quit</p> <p>In the case of "Substantial arrears of rent" landlords should be required to demonstrate that reasonable attempts were made to address the arrears collaboratively before progressing to notice to quit such as evidence of repayment plans offered to tenant. This will encourage early engagement and reduce avoidable homelessness. For cases of "Relevant Criminal Offence" Official court extract/judgements are suggested as relevant evidence to support a shorter notice to quit period. In relation to the Anti-social behaviour evidence, evidence required would include PSNI reports, witness statements and correspondence from statutory bodies eg NI HMO Unit. For landlord seeking possession for the occupation of the landlord or</p>
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	<p>their immediate family, a Detailed affidavit as per the guidance has been suggested due to the limited evidence likely to be available in such circumstances.</p>
3.12	<p>Possession for occupation by the landlord or landlords' immediate family</p> <p>Whilst we agree that a shorter notice-to-quit period is reasonable where possession is sought for occupation by the landlord or the landlord's immediate family, it is acknowledged that the proposed three-month notice period will have the greatest impact on medium to long-term tenancies (i.e. those residing in a property for over three years).</p> <p>Under the standard arrangements, such tenants would otherwise have been afforded at least six or seven months' notice to secure alternative accommodation. Long-term tenants are more likely to have established significant ties to the property and surrounding area, including eg childcare arrangements, school placements, and access to local health services. It is not clear from the equality impact assessment whether any particular groups are disproportionately represented among long-term tenancies and therefore more likely to experience adverse impacts arising from this shorter notice period. We recommend this is explored further in the EQIA.</p> <p>The Private Tenancies (Notice to Quit) Regulations (Northern Ireland) 2025 will require Councils to undertake additional detailed work to investigate cases that are raised by tenants who believe that their landlord has not complied with the requirements of the proposed notice to quit regulations. To date, the Department for Communities has not offered any financial support for the enforcement of these new provisions nor for any of the other recent Private Tenancy Order legislative requirements that has been introduced incrementally since 2022.</p> <p>It is recommended members raise our concerns on this with DfC.</p>
3.13	<p><u>Financial and Resource Implications</u></p> <p>The Private Tenancies (Notice to Quit) Regulations (Northern Ireland) 2025 will require Councils to undertake additional detailed work to investigate cases that are raised by tenants who believe that their landlord has not complied with the requirements of the proposed notice to quit regulations. The Department for Communities (DfC) have not offered any financial support to assist Councils with these additional powers.</p>
3-14	<p><u>Equality or Good Relations Implications /Rural Needs Assessment</u></p> <p>There are no Equality or Good Relations Implications /Rural Needs Assessments associated with this report.</p>
4.0	Appendices
4.1	<p>Appendix 1 - Consultation Questionnaire with responses:</p> <p>Appendix 2 - DfC notice to quit consultation the private tenancies regulations ni 2025</p> <p>Appendix 3 - DfC notice to quit consultation guidance on private tenancies regulations ni 2025</p> <p>Appendix 4 - Exception to longer notice to quit periods in NI</p>

	<p>Appendix 5 - DfI notice to quit consultation EqIA</p> <p>Appendix 6 - DfC notice to quit consultation exceptions longer period EqIA appendices</p> <p>Appendix 7 - DfC notice to quit consultation privacy notice</p>
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