

Appendix 1 Draft Consultation Response on Notice to Quit periods

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

X ☒ 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)

☐ Private sector tenant

☐ Private sector landlord

☐ Other (please specify below)

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

X ☒ Local Government/Council

☐ A housing sector representative body

☐ Charity dealing with housing issues

☐ Other (please specify in space below)

Consultation Questions

Please answer the following questions regarding the regulations:

The first 3 circumstances (substantial arrears of rent, serious ASB and relevant criminal offence) were already legislated for within the Private Tenancies Act (NI) 2022. The research report recommends a fourth circumstance of possession for occupation by a landlord or landlord's immediate family, with a minimum notice period of three months. The Department considers that this proposal balances the right of the landlord to retake possession, as provided by Article 1 Protocol 1 of the ECHR, with the rights of the tenant including under Article 8 of the ECHR and Schedule 1, Part 1, of the Human Rights Act 1998.

Q1. Do you understand why these circumstances and shorter notice periods are being introduced?

X ☒ Yes

☐ No

Q2. Do you agree with the four circumstances where longer notice to quit periods would not apply? Please select yes/no for each of the circumstances below.

Circumstance	Do you Agree?	If no, provide your reasons
Substantial arrears of rent	X <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Serious Anti-social Behaviour	X <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Relevant Criminal Offence	X <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Possession for occupation by the landlord or landlords' immediate family	x <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The CIH report proposed the definition for ‘substantial arrears of rent’ should be where two months’ rent is unpaid. The report did not consider any other frequency of rental payment, and so the Department has added to the definition to cover alternative frequencies of rental payments. The notice period for this circumstance is one month.

To help safeguard tenants, the regulations will include the stipulation that if a tenant pays the outstanding arrears in full before the end of the notice period contained in the notice to quit, the notice will become invalid, and the tenancy sustained.

Two week notice periods are confined to serious anti-social behaviour (ASB) and relevant criminal offences. The Department believes that these notice periods are warranted in these circumstances because they will help ensure that the landlord can promptly take action to minimise the impact of such behaviours and activities on neighbours and the wider community and protect their property from potential damage or disruption.

The CIH report also proposes a 3 month notice period for possession for occupation by the landlord or landlords’ immediate family. The Department agrees that this notice period balances the right of landlords and tenants.

Q3. Do you agree with each of the four shorter notice periods as set out in the Regulations?

Notice Period	Circumstance	Yes/No	If no, please give a reason
1 month	Substantial arrears of rent	X <input type="checkbox"/> Yes <input type="checkbox"/> No	
2 weeks	Serious Anti-social Behaviour	X <input type="checkbox"/> Yes <input type="checkbox"/> No	
2 weeks	Relevant Criminal Offence	X <input type="checkbox"/> Yes <input type="checkbox"/> No	
3 months	Possession for occupation by the landlord or landlords’ immediate family	<input type="checkbox"/> Yes X <input type="checkbox"/> No	

If no, please provide reasons for your answer.

We are aware some landlords face challenges when seeking to promptly regain possession of their properties due to their own personal financial difficulties.

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).

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.

Q4. Did you find the guidance notes which explain your responsibilities as a tenant/landlord, under the Regulations easy to follow?

X ☐ Yes

☐ No

If no, please provide reasons for your answer.

Whilst agree the guidance for tenant/landlords is easy to follow, we also provide following commentary and recommendations:

The Private Tenancies (Notice to Quit) Regulations (Northern Ireland) 2025 will require councils to undertake additional, detailed investigative work in cases where tenants believe their landlord has not complied with the proposed notice to quit requirements.

Without additional financial support from DfC, this new workload would need to be absorbed within existing resources. In practice, this would require significant prioritisation and would limit our ability to deliver this function alongside our other statutory duties relating to the Private Rented Sector.

We therefore wish to highlight this as a key concern and seek clarification on how DfC proposes that this additional work will be adequately resourced.

Notice to Quit process

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.

We recommend 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.

Landlord statement of evidence

We recommend the development of a prescribed landlord's statement-of-evidence form to further promote clarity and consistency.

Substantial rent arrears

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 unsuccessful.

It is questionable whether a period of two months' unpaid rent should constitute 'substantial' rent arrears. A longer minimum period would, in principle, may be more appropriate for the purposes of this ground. In determining whether arrears are substantial, regard should also be had to whether the tenant has refused a reasonable repayment arrangement offered by the landlord and whether is a 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.

We welcome the provision allowing the tenant to pay their arrears and invalidate the NTQ, which supports tenancy sustainment

Anti-social behaviour

We have 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

Additionally, property damage may be caused by a vulnerable tenant, and it is our view repair costs would need to exceed the deposit before this could reasonably be relied upon as evidence

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 between statutory environmental health nuisance. 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

Councils 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 lawful basis is established. The Council would encourage the Department to introduce additional legal mechanism to allow for the exchange of information with landlords.

Convicted of relevant Criminal Offence

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 NTQ is issued. This clarification is necessary to prevent misuse of this provision, such as issuing a shorter NTQ on the basis of historic convictions or offences unconnected to the property or the present tenancy

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 record—would be required

Council encourage the Department to introduce additional proposals in respect of grounds for eviction which other jurisdictions have in place in order to reduce the amount of retaliatory evictions

The Department agrees with the commonsense types of evidence listed in the CIH report for the first 3 circumstances (substantial arrears of rent, serious ASB and relevant criminal offence) and decided not to list this in legislation as it is more practical for the courts to follow standard practise. The Department has provided examples of types of evidence in guidance.

With regards to the fourth circumstance of the landlord seeking possession of the property for themselves or family members, providing evidence for this is much more limited and the CIH report proposed it should be accompanied with a legal assurance. Given the evidence that this circumstance is more open to abuse in eviction cases and as a safeguard for vulnerable tenants, we have decided to include the requirement for a detailed affidavit in our legislation.

Q5. In each circumstance, what types of evidence do you suggest could be required in order to validate a shorter notice to quit?

Circumstance	Examples of evidence
Substantial arrears of rent	<ul style="list-style-type: none"> Evidence of repayment plans offered to tenant. <p>We believe that landlords should be required to demonstrate that reasonable attempts were made to address the arrears collaboratively before progressing to notice to quit. This will encourage early engagement and reduce avoidable homelessness.</p> <ul style="list-style-type: none"> Tenancy Information Notice/Variation Notice Cash receipts
Serious Anti-social Behaviour	Witness statement, PSNI reports and reports from Statutory eg NI HMO Unit
Relevant Criminal Offence	<ul style="list-style-type: none"> Newspaper or social media report Official court extract/judgement
Possession for occupation by the landlord or landlords' immediate family	Detailed affidavit as per the guidance

Please answer the following questions regarding the Equality Impact Assessment (EQIA):

Q6. We have presented a draft EQIA consultation report on the circumstances where longer notices to quit will not be issued.

Do you agree with how we have carried out the EQIA?

X ☐ Yes

☐ No

Is there any other information that you feel should be included within the EQIA?

Whilst agree that the circumstance of possession for occupation by the landlord or landlords immediate family should be a shorter NTQ period, it is acknowledged that the shorter period of 3 months will have greatest impact on long term tenants, ie tenancy over 3 years, as they would otherwise would have been afforded at least 6 or 7 months standard notice to find alternative accommodation.

Tenants renting over 3 years will possibly have developed strong 'ties' to property/area eg childcare, schools, health services. It is not clear from the equality impact research if any particular group/s are more likely to be in a long term tenancy and therefore likely to be adversely impacted and if so, mitigation measures. we recommend this is explored further in the EQIA.

Q7. Within the EQIA we have outlined some adverse impacts that the circumstances where longer notices to quit will not be issued could have.

Do you agree with the adverse impacts that we have identified?

☒ Yes

☐ No

Are there any other adverse impacts that you feel we should include?

Q8. We have outlined some possible mitigation measures to address these potential adverse impacts.

Do you agree with the mitigating actions we have outlined?

☒ Yes

☐ No

Do you have any other suggestions for mitigating measures or alternative policies that could be put in place?