

NUIG Landlord Information Night

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MD Winters Property

Winters Property – The Numbers

- **50 Staff employed in 6 Offices.**
- **7,500 residential/commercial units under Facilities/Estate Management.**
- **800 Units Let and Managed.**
- **Manage/Oversee operations on over 2,500 student beds**
- **Development Consultancy/Planning advice on over 6,000 student beds in Cork, Limerick, Sligo, Tralee and Dublin.**
- **Sales/Valuations, Mediation and Planning and Development Consultancy**
- **13 National awards in six years including Irish Property Management Company of the Year for 4 years.**

Team Based Property Management



Legislation

- **Property Services Regulation Act 2011**
- **Multi Unit Development Act 2011**
- **Companies Act 2014**
- **Property Services Regulator Est 2012; Licenses**
 - Type A – The Auction of Property other than Land
 - Type B – The Purchase or Sale, by whatever means of land
 - Type C – The Letting of Land (including a letting in conacre or for the purposes of agistment)
 - Type D – Property Management Services

Letting Legislation

The main pieces of legislation that cover landlords' rights and obligations are:

- The [Landlord and Tenant Acts 1967 to 1994](#)
- The [Residential Tenancies Act 2004](#)
- The [Residential Tenancies \(Amendment\) Act 2015](#)
- The [Planning and Development \(Housing\) and Residential Tenancies Act 2016](#)
- The [Residential Tenancies \(Amendment\) Act 2019](#)
- The [Residential Tenancies and Valuation Act 2020](#)
- The [Residential Tenancies Act 2020](#)
- The [Planning and Development, and Residential Tenancies Act 2020](#)
- The [Residential Tenancies \(No.2\) Act 2021](#).
- The [Housing \(Standards for Rented Houses\) Regulations 2019](#)
- The [Equal Status Acts 2000–2015](#)

Landlord Rights

You have the right to:

- Set the rent
- Receive the correct rent on the date it is due – but see 'Private tenancies and receivership' below
- Receive any charges associated with the property (this means taxes and duties or payments)
- Terminate a tenancy during the first 6 months without giving a reason
- In certain circumstances – [terminate a tenancy](#) at a later stage
- Be informed about who is ordinarily living in the property (this does not include overnight visitors or short stays)
- Be informed of any repairs needed
- Be given reasonable access to the property to carry out repairs

Landlord Rights Ctd:

- Carry out routine inspections at a mutually agreed time
- [Refer disputes](#) to the RTB – but only if you have fulfilled your obligation to register the tenancy - see below
- Review the rent. There are rules about how often you can [review the rent](#) in a private tenancy. These timeframes depend on when the tenancy started and if the property is in a Rent Pressure Zone or not. AHB rents are reviewed every 12 months, or according to the tenancy agreement.
- For private tenancies only – decide whether the tenant can sub-let or assign a tenancy. However, if you refuse to allow a tenant to assign or sublet a tenancy, this can give the tenant the right to terminate a fixed-term tenancy before it expires

Landlord Obligations

As a landlord, you must:

- [Register the tenancy](#) with the RTB and update them of any changes to the tenancy (from 2020 you will need to register tenancies annually)
- Provide your tenant with a [rent book](#) or statement of rent paid
- Make sure that the property meets [certain minimum standards](#) (though the standards for food preparation, storage and laundry purposes do not apply to AHBs)
- Repair and maintain the interior of the property to the standard it was in at the start of the tenancy
- Repair and maintain the structure of the property
- Provide a [Building Energy Rating \(BER\)](#) for the property
- Reimburse tenants for any repairs they make which are your responsibility

Landlord Obligations Ctd:

- Insure the property (if it is impossible to get insurance, or if the cost is unreasonable, this obligation doesn't apply)
- Provide the tenant with information about any agents who are authorised to deal on your behalf (such as management companies, agencies, personal representatives)
- Ensure that the tenant knows how to contact you or your agent
- Give private tenants 90 days' notice of a [rent review](#) and follow the rules about how often you can do this (AHBs should give notice "as soon as is practicable")
- Provide tenants with a valid written notice of termination and follow all the rules around [terminating a tenancy](#)

You must also make sure that the tenants meet [their obligations](#). Anyone who is affected by your tenants' failure to meet their obligations can make a complaint against you to the RTB

Rent a Room

- Currently, the total (gross) rent that you get, which includes any money that the tenant pays for food, utilities, laundry or similar goods and services, cannot exceed €14,000 in the tax year (1 January to 31 December) – see 'Exclusions from rent-a-room relief' below.
- You cannot deduct expenses from your rental income while claiming rent-a-room relief. However, depending on the circumstances, it may be worth your while to opt out of the relief in a particular year in order to offset expenses against the rental income and avail of wear and tear allowances, see [revenue.ie](https://www.revenue.ie) for examples of when this can be beneficial. The 'How to apply' section below describes how to opt out of rent-a-room relief.
- If you qualify for rent-a-room relief, the income you get from renting out the room will be exempt from PRSI, the [Universal Social Charge](#) or income tax. However, it must be included on your annual income tax return.

Rent a Room

- The relief applies only to residential tenancies, not to [short-term let](#) arrangements. The occupants must be using the room on a long-term basis. So, renting a room to a student for the academic year or for a one-month course is covered, but providing accommodation to occasional visitors for short periods, for example, through an online accommodation booking site, is not, as this income is not considered to be rental income.
- This is because the visitors use the accommodation as guests rather than tenants. Revenue has published [a guidance manual on how this income is treated for tax purposes \(pdf\)](#).
- If you normally rent out the room for the academic year and you rent it out for short breaks during the summer as well, you must identify the income you get from the short rentals separately from the income that qualifies for rent-a-room relief, when making your tax return to Revenue.
- [You can read more about rent-a-room relief on revenue.ie.](#)

Recent Issues

- Rent Protection Zones
- Data Protection
- Covid – Viewings, Repairs, Change of Tenants
- Rent Review Process

Any Questions?

