

# Notice to Quit Consultation

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## Response to Consultation

### Key points

- The length of notices to quit for landlord and tenants should be different
- A Notice to Quit should vary depending on the length of time in the tenancy
- The length of notice for shorter term tenancies of up to 12 months should remain at 4 weeks
- Suggestion on the Notice to Quit period that a landlord will be required to give a tenant should be,
- Exemptions to Notice to Quit periods.

**Date 25 January 2022**



## ABOUT NIFHA

The Northern Ireland Federation of Housing Associations, formed in 1977, is the representative body for Northern Ireland's 20 registered housing associations.

Our members are all not-for-profit organisations. Together, supported by the Department for Communities and the Housing Executive, they provide just under 56,000 social and affordable homes.

Housing associations access private finance to effectively double the number of homes they could build with government housing association grant alone.

Housing associations also deliver high quality care and support to help people stay as independent as possible.

Working in partnership with other organisations, they also invest millions each year in community services and facilities.

Our sector employs more than 3,200 people and manages housing assets worth £4.5 bn.

NIFHA welcomes the opportunity to comment on this Notice to Quit Consultation.

## PART 1: SETTING THE CONTEXT

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.

## PART 2: CONSULTATION QUESTIONS

### 1. 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.*

*A tenant usually gives Notice to Quit to a landlord 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.*

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DO YOU AGREE THAT THE LENGTH OF NOTICES TO QUIT FOR LANDLORD AND TENANTS SHOULD BE DIFFERENT?

Yes, the length of notices to quit for both landlords and tenants should be different

2. SHOULD A NOTICE TO QUIT 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.*

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DO YOU AGREE THAT NOTICES TO QUIT SHOULD VARY DEPENDING ON THE LENGTH OF THE TENANCY?

Yes, we agree with the Department for Communities proposal to vary the 'Notice to Quit' period depending on the length of tenancy subject to the tenant meeting all their lease obligations i.e., rent account up to date, property well maintained and no reports of anti-social behaviour.

3. 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.*

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DO YOU AGREE THAT THE LENGTH OF NOTICE FOR SHORTER TERM TENANCIES OF UP TO 12 MONTHS SHOULD REMAIN AT 4 WEEKS?

Yes, the length of notice for shorter term tenancies of up to 12 months should remain at 4 weeks.

4. TENANCIES FROM 12 MONTHS TO 10 YEARS IN LENGTH

*The Bill proposes an 8 week Notice to Quit for these tenancies, but it has been suggested that this still may be inadequate for tenants to find alternative suitable accommodation they can afford.*

*The Department is seeking views on any further extension to the 8 weeks' Notice to Quit contained in the Private Tenancies Bill and if extended whether any exemptions should apply.*

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WHAT DO YOU THINK THE NOTICE TO QUIT PERIOD THAT A LANDLORD WILL BE REQUIRED TO GIVE A TENANT SHOULD BE (WHERE THE TENANCY IS BETWEEN 12 MONTHS AND 10 YEARS IN LENGTH)?

Notice to Quit periods for tenancies between 12months and 10 years in length are as follows

Up to 3 years	6 weeks NTQ
Between 3-10years	10 weeks NTQ
10yrs+	12 weeks NTQ

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5. DO YOU THINK THAT THERE SHOULD BE EXEMPTIONS TO THIS NOTICE PERIOD?

Yes, we propose that a landlord be granted authority to make exemptions to the notice period if a tenant is in breach of their lease.

Exemption	Reduced NTQ if this exemption applies
Serious Anti-Social Behaviour	2 weeks
Property In Poor State or in Disrepair	2 weeks
Rental Arrears Over 8 Wks (and not due to benefit assessment delays)	4 weeks

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6. THE NOTICE TO QUIT SPECIFIED IN LEGISLATION WILL APPLY ACROSS THE PRIVATE RENTED SECTOR, INCLUDING TO TENANCIES RELATED TO HOUSES IN MULTIPLE OCCUPATION (HMO) PROPERTIES.

Do you think the length of Notice to Quit for those tenants living in an HMO, or for exemptions to the Notice to Quit, should be different from that of other tenants in the Private Rented Sector?

No.

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