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**An Bille um Thionóntachtaí Cónaithe (Leasú), 2021**  
**Residential Tenancies (Amendment) Bill 2021**

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*Meabhrán Miniúcháin agus Airgeadais*  
*Explanatory and Financial Memorandum*

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**AN BILLE UM THIONÓNTACHTAÍ CÓNAITHE (LEASÚ), 2021**  
**RESIDENTIAL TENANCIES (AMENDMENT) BILL 2021**

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**EXPLANATORY MEMORANDUM**

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*Section 1* deals with the short title and commencement of the Bill.

*Section 2* defines a term used in the Bill.

*Section 3* makes two amendments to section 105 of the Residential Tenancies Act 2004, which deal with matters pertaining to a Tenancy Tribunal:

- (a) By inserting a new subsection (4A) to deal with the suggestion that evidence simpliciter from a landlord to the effect that he or she intended to sell a property, and for that purpose served a notice on the tenant, should be taken by a Tenancy Tribunal as merely that, evidence, and not “strong evidence”. This follows the decision of the High Court in *Gunn v Residential Tenancies Board*<sup>1</sup>.
- (b) By inserting a new subsection (4B) to clarify that the burden of proof lies on the landlord in respect of the validity of the notice of termination and statutory declaration. This reflects the decision of the High Court in March of this year in *Stulpinaite v. Residential Tenancies Board*<sup>2</sup>.

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<sup>1</sup> [2020] IEHC 635

<sup>2</sup> [2021] IEHC 178

*Senator Barry Ward,*  
*Bealtaine, 2021.*