



Department for  
**Communities**  
[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

An Roinn  
**Pobal**

Department for  
**Commonities**

**Private Office**  
**Level 9**  
**Causeway Exchange**  
**1-7 Bedford Street**  
**Belfast**  
**BT2 7EG**  
**e-mail: [Assembly.section@communities-ni.gov.uk](mailto:Assembly.section@communities-ni.gov.uk)**  
**Telephone: (028) 9051 5234 (DD 75234)**

Ms Eleanor Murphy  
NI Assembly Research  
Room  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

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Dear Eleanor

#### **PRIVATE TENANCIES BILL - INFORMATION REQUEST**

Further to the requests for information, of 1<sup>st</sup> and 3<sup>rd</sup> November, regarding the Private Tenancies Bill, this response is to cover both requests.

If you require any further clarification, please feel free to contact me.

Yours sincerely

**Diane Mulligan**  
Departmental Assembly Liaison Officer  
Private Office

### Query from Committee

Several members mentioned tenancies of less than 12 months - do the provisions in the Bill extend to, or offer protection, to these types of tenants/tenancies?

### **Departmental Response**

- (i) Clause 11 makes a number of amendments to Article 14 of the 2006 Order as well as inserting a new Article 14A.
- (ii) A Notice to Quit issued **by a Landlord** has the following timescales:  
  
4 weeks' notice where the tenant has been in the property for a year or less;  
  
8 weeks' notice where the tenant has been in the property for more than 1 year but not more than 10 years; and  
  
12 weeks' notice where the tenant has been in the property more than 10 years.
- (iii) A Notice to Quit issued **by a Tenant** has the following timescales:  
  
4 weeks' notice where the tenant has been in the property for 10 years or less;  
  
12 weeks' notice in all other cases.
- (iv) Notice to Quit period for tenancies less than 12 months the Landlord and Tenant must give 4 weeks' notice.

### Query from Committee

Clause 8 (Fire, smoke and carbon monoxide alarms) the Deputy Chair raised the issue of who is responsible for fire, smoke, and carbon monoxide alarms in communal areas (e.g. shared hallways etc.). Does the Bill deal with this issue in any way (e.g. 11D, for example)?

### **Departmental Response**

New Article 11D deals with the situation such as communal areas and provides that the duties under Article 11B may require the Landlord to place appliances in such areas. Fire safety is the responsibility of the Department of Health and this Department will continue to work with the Department of Health on this matter.

### Query from Committee

Clause 10 (electrical safety standards) - will the regulations made under Clause 10 deal with gas/heating safety (e.g. the service of gas or oil boilers)? Or are the Bill Team aware of any other legislative requirements that covers landlords responsibility in relation to gas or oil boilers?

## **Departmental Response**

The Bill refers to Electrical Safety Standards.

Regulation 36 of Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004 informs on the duty of Landlords for premises in which this type of fuel is used.

### Query from Committee

Landlord registration scheme - the Chair asked whether the scheme is likely to change in because of the Bill - I mentioned that the Department are already working on a number of issues in relation to the scheme - I would be very grateful if you could provide the Committee with an update on this work.

## **Departmental Response**

Changes to the Landlord Registration Scheme do not form part of the Private Tenancies Bill (as introduced). However, a project group has been formed with representatives from all 11 councils to explore the potential to transfer the landlord registrar function from the Department to councils. This may involve a reform of the system to include inspections and would likely be closely linked to a review of the current fitness standard.

### Query from Committee

The Deputy Chair stated that she was concerned about the commencement dates, i.e. not every section or schedule will commence at the same time. Could the Bill Team provide some comment on the rationale for this?

## **Departmental Response**

In order to deliver the Bill within this mandate, those sections that require Regulations will come into force on the day after the day that the Act receives Royal Assent but conveys the power to make Regulations for this purpose.

Work on Regulations would proceed on the basis of this timing.

### Query from Committee

However, Mr Frew also stated that "a lot of properties out there are used for holiday lets in the summer and then for temporary lets of six months or nine months over the winter". My question for the Bill Team is when is a "holiday let" no longer deemed to be "holiday let" but rather a type of tenancy that will be covered by the 2006 PTO and the provisions in the Bill (should the Bill become an Act)? Any information the Department would be able to provide would be greatly appreciated. As always, don't hesitate to contact me should you require any further clarification.

## **Departmental Response**

A short-term let is typically described as a property or room being rented out for a short period of time – ranging from one night to a few weeks – where the visitors are not using the property as their main or permanent house. These would not be considered private tenancies.

The meaning of a private tenancy is defined in Part 1, Section 3 of the Private Tenancies Order (2006). It applies to ‘any tenancy of a dwelling-house’ with some (listed) exceptions. It would therefore not include hotel rooms. Section 3 (2) (c) states that this definition excludes ‘a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling-house for a holiday’.

There are a number of very important legal considerations in relation to becoming a tourist accommodation provider and all relevant legislation must be complied with, in particular the Tourism (Northern Ireland) Order 1992.

From the date that a property is let under the terms of a private tenancy, the legislation of the Private Tenancies Order and this Bill, when it becomes an Act, will apply to the tenancy and the property.