

# Taxation of Non-Resident Landlords

## Part 45-01-04

This document should be read in conjunction with sections 1034, 1041 and 1046  
Taxes Consolidation Act 1997

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### Table of Contents

Introduction .....	2
1 Rent paid directly by a tenant to a non-resident landlord.....	2
1.1 Obligations of the tenant.....	2
1.2 Residential property lettings .....	3
1.3 Commercial property (non-residential) lettings .....	3
1.4 Landlord.....	4
2 Rents paid by a local authority or other body directly to a non-resident landlord	4
3 Rent paid to Irish collection agent of non-resident landlord .....	4
3.1 Tenant.....	5
3.2 Landlord and collection agent .....	5
4 Landlord becoming non-resident.....	5
5 Tax charge for non-resident corporate landlords .....	6

## Introduction

This Manual sets out the procedures to be followed in circumstances where a property in the State is rented out by a landlord who is not resident in the State.

The Manual outlines the position -

- where the rent is paid directly to the non-resident landlord (sections 1 and 2 below);
- where the rent is paid to a person resident in the State who acts on behalf of the non-resident landlord in the collection of rent (a “collection agent”) (section 3);
- where an individual who was previously resident becomes non-resident and is letting a property in the State (section 4); and
- the tax charge where the non-resident landlord is a company (section 5).

## 1 Rent paid directly by a tenant to a non-resident landlord

### 1.1 Obligations of the tenant

- Where rents are paid directly by a tenant to a person whose usual place of abode is outside the State, the tenant is obliged to deduct income tax at the standard rate from the payment (sections 238(2) and 1041 Taxes Consolidation Act 1997 (TCA)). The standard rate of income tax is currently 20%.
- Payment into a bank account in the landlord’s name is treated as payment directly to the landlord, even if the bank account is within the State.
- Strictly, the tenant should account for the tax immediately after it is deducted. However, Revenue will allow tenants to remit the tax deducted from the rent when filing a return of income for the tax year, which is Form 11 for chargeable persons or Form 12 for non-chargeable persons. For persons whose sole income is subject to PAYE, recovery of the tax deducted can be achieved by adjustment of tax credits.
- The tenant gives the landlord a certificate of the tax deducted on Form [R185](#) (Certificate of Income Tax Deducted).
- The landlord is entitled to claim relief for expenses allowed in arriving at the rental profit (see Part 4 Chapter 8 TCA and the pages on [Irish rental income](#) on the Revenue website) and may be entitled to a proportion of personal allowances (see Tax and Duty Manual [Part 45-01-01](#)).
- The obligation to deduct tax on payment of rents does not make the tenant a chargeable person (section 959B TCA<sup>1</sup>).

- Payments of this nature are not charges on income. The tax that a tenant is required to deduct and pay by virtue of section 1041 TCA cannot be offset against the tenant's own income tax liability.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

## 1.2 Residential property lettings

Tenants renting a residential property may not be aware of their obligation to deduct tax from payments to a non-Irish resident landlord. This can occur either because the tenants are unaware that the landlord is resident abroad or because they are unaware of the obligation to deduct tax when making payment to such a landlord. Once the tenant becomes aware of this obligation, s/he should deduct tax from all future payments to the landlord unless and until the landlord appoints an Irish resident "collection agent".

An assessment can be entered on the landlord, at his or her foreign address, and where necessary powers of attachment under section 1002 TCA can be used to enforce collection of any balance of tax due.

### **Rent allowance/rent tax credit**

If a claim for rent allowance/rent tax credit (section 473 TCA) is received in respect of rent and there are indications that the landlord is resident abroad, the tenant should be advised of the obligation to deduct tax from payments direct to the landlord, including payments into a bank account of the landlord. Where the tenant claims to have been unaware of the obligation to deduct tax, any repayment under section 473 TCA need not be restricted where the tenant provides the information relating to the landlord as set out above.

No claim for rent allowance/tax credit can be made for tax years after 2017 (see section 473 TCA and Tax and Duty Manual [Part 15-01-11](#)).**Commercial property (non-residential) lettings**

A tenant renting commercial or non-residential property is also obliged to deduct tax from payments to non-Irish resident landlords. Where a tenant of a non-residential property claims not to have been aware of the obligation, the tenant will be informed of the obligations outlined in **paragraph 1.1** and, as set out in **paragraph 1.2**, the tenant should deduct tax from all future payments to the landlord unless and until an Irish resident collection agent is appointed.

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<sup>1</sup> Section 959B (1)(c) excludes from the definition of "chargeable persons" someone who is chargeable to tax for the tax year by reason only of section 238 TCA.

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[...]

## 1.4 Landlord

The non-resident landlord is chargeable to income tax and the Universal Social Charge (USC). Any enquiries should be dealt with using the secure “MyEnquiries” service available in myAccount or ROS. The non-resident landlord can claim the tax deducted by the tenant, recorded on the form R185, against her/his Irish tax liability. The landlord is required to file an Irish tax return.

Credit for tax deducted from rents should be confined to the tax actually deducted and remitted to Revenue by the tenant.

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## 2 Rents paid by a local authority or other body directly to a non-resident landlord

Rent may be paid directly to a non-resident landlord by persons other than a tenant – for example, by a local authority<sup>2</sup> or housing authority<sup>3</sup>. Such cases are also subject to section 1041 TCA and the authority or body should deduct tax from the rent at the standard rate of income tax and return of this tax to Revenue, as detailed in paragraph 1.1 above.

## 3 Rent paid to Irish collection agent of non-resident landlord

A variety of entities may be nominated to act on behalf of a non-resident landlord in the collection of rent; for example, an estate agent, a management company, a solicitor, or someone the non-resident landlord has nominated to act on her/his behalf. The phrase “collection agent” is used in this Manual to cover anyone subject to the requirements of section 1034 TCA<sup>4</sup>.

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<sup>2</sup> A local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014) and includes a body established under the Local Government Services (Corporate Bodies) Act 1971.

<sup>3</sup> A housing authority the meaning assigned by the Housing (Miscellaneous Provisions) Act 1992.

<sup>4</sup> Section 1034 TCA: “A person not resident in the State ... shall be assessable and chargeable to income tax in the name of any trustee, guardian or committee of such person, or of any factor, agent, receiver, branch or manager, whether such factor, agent, receiver, branch or manager has the receipt of the profit or gains or not ...[.]”

### 3.1 Tenant

If a tenant is paying rent to an Irish collection agent of a non-resident landlord, rather than directly to the landlord, the tenant is **not** obliged or entitled to deduct income tax from the rent. Where the tenant wishes to claim relief under section 473 TCA in respect of the rent, he or she should include the name and address of the landlord in the claim. As noted in paragraph 1.2 above, rent tax credit does not apply to tax years after 2017. The tax reference number under which the Irish collection agent of the landlord is assessed in respect of the rent will suffice as the tax reference number of the landlord.

### 3.2 Landlord and collection agent

The landlord is assessable and chargeable to income tax in the name of the Irish collection agent (section 1034 TCA). The collection agent should be set up under a new PPS number for the collection activity.

The Irish collection agent is not entitled to deduct tax from the rent on payment to the landlord and should **not** issue a Form R185 to the landlord.

However, the collection agent may retain a sufficient portion of the rents to satisfy the tax payable on the rents (section 1046(2) TCA). This should be paid to Revenue when filing the tax return.

While the assessment is in the name of the Irish collection agent, the tax to be charged is the amount which would be charged if the non-resident landlord was assessed in her or his own right.

This means what should be assessed to tax is the rental profit, after claiming any allowable deductions. For information on calculating rental income please refer to Part 4, Chapter 8, TCA (Taxation of rents and certain other payments) and the pages on [Irish rental income](#) on the Revenue website.

The non-resident landlord may also be entitled to personal credits, even when chargeable and assessable in the name of the collection agent. Please refer to Tax and Duty Manual [Part 45-01-01](#) for details of tax credits which a non-resident individual may be entitled to claim.

A “collection agent” who is chargeable and assessable by virtue of section 1034 TCA is a chargeable person for the purposes of the self-assessment provisions in Part 41A TCA (section 1046 (1) TCA). Interest, penalties and surcharges, as appropriate, will apply in cases where collection agents fail to meet their obligations.

## 4 Landlord becoming non-resident

An individual who leaves the State may still have a property which s/he lets and for which s/he receives rent. When this happens:

- a tenant or other person paying rent directly to the landlord has the obligations outlined at section 1 and 2 above, or
- where the rent is not paid directly to the landlord, any Irish resident collection agent has the obligations outlined at section 3 above.

Any enquiries should be dealt with using the secure “MyEnquiries” service available in myAccount or ROS.

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[...]

## 5 Tax charge for non-resident corporate landlords

Where the landlord is a non-resident company, the company is chargeable to income tax, rather than corporation tax, unless it carries on a trade in the State through a branch or agency. If it carries on such a trade, it will be chargeable to corporation tax in respect of all the profits attributable to the branch or agency.