

Private Residential Tenancies Board

Determination Order

Ref: DR38/2005

In the matter of Mary Simmons and Jessica Freed (Applicant Tenants) and Joseph Dunne (Respondent Landlord) the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004 and pursuant to a declaration under section 97(4) (b) of that Act relating to a decision reached by the parties themselves, determines as follows:

1. The Applicants shall vacate the dwelling at 27 Brickfield Drive, Crumlin, Dublin 12 on or before midnight on 30th June 2005.
2. The Applicants shall endeavour to find alternative accommodation before 30th June 2005. In the event that they find such alternative accommodation they shall vacate the dwelling and hand over possession to the Respondent. Such attempts by the Applicants shall be made without direction or interference from the Respondent.
3. The Applicants shall pay to the Respondent the rent that became due on 11th February 2005 which was tendered to the bank and which was refused by the bank as the Respondent had closed the rent account. The Applicants shall pay the rent due on 11th March 2005.
4. The Respondent shall accept on 11th April 2005 the original deposit as the rent due on that date.
5. If on 11th May 2005 the Applicants are still in possession of the dwelling, they shall pay the Respondent one month's rent in advance.
6. If, however, the Applicants have vacated the dwelling before 11th May 2005, the Respondent shall compensate the Applicants at the daily rate of €40.00 for each full day that the dwelling was not occupied by them between 11th April 2005 and 11th May 2005.
7. The Respondent and Applicants agree that the rent is paid and accepted without prejudice to any further hearing, should the foregoing not be complied with by either party.
8. The Applicants shall facilitate the Respondent to call to the dwelling to collect certain personal belongings from time to time. The Respondent shall telephone the Applicants to arrange a suitable time and date prior to calling. The Respondent when visiting shall not seek to pressurise the Applicants to vacate the dwelling.

This Order was made by the Private Residential Tenancies Board on 24th June 2005.