

RESIDENTIAL TENANCIES ACT 2004

Private Residential Tenancies Board Tribunal

Report of Tribunal Reference No: TR32/DR 538/2010. Case Ref No: DR 538/2008

Appellant Landlord: X

Respondent Tenant: Aniko and Brian Lonergan

Address of Rented Dwelling: Z

Tribunal: Thomas Reilly (Chairperson)
Cian O' Lionáin
Dervla Quinn

Venue: Riverbank House Hotel, The Bridge,
Wexford.

Date of Hearing: 11 March 2010 at 2.30 pm.

Attendees:

For the Appellant: X (Landlord)

For the Respondent Aniko Lonergan (Tenant)

In Attendance: Gwen Malone Stenographers Ltd.

1. Background:

1. On 13 May 2008 the Tenant made an application to the Private Residential Tenancies Board (“the PRTB”) pursuant to Section 78 of the Act. The matter was referred to an adjudication which took place on 8 September 2009. The Adjudicator determined that the Landlord should pay the Tenant the sum of €403.35 being the balance of the retained deposit due after agreed deductions are made. Subsequently a valid appeal was received from the Landlord by the PRTB on 25 January 2010.
2. On 27 January 2010 the PRTB constituted a Tenancy Tribunal and appointed Thomas Reilly, Dervla Quinn and Cian O’ Lionain as Tribunal members pursuant to Section 102 and 103 of the Act and appointed Thomas Reilly to be the chairperson of the Tribunal (“the Chairperson”).
3. On 15 February 2010 the Parties were notified of the constitution of the Tribunal and provided with details of the date, time and venue set for the hearing.
4. On 11 March 2010, the Tribunal convened a hearing at 11 am at Riverbank House Hotel, Wexford.

2. Documents Submitted Prior to the Hearing Included:

- PRTB file

3 Procedure:

The Chairperson asked the Parties present to identify themselves and to identify in what capacity they were attending the Tribunal. He confirmed with the Parties that they had received the relevant papers from the PRTB in relation to the case and that they had received the PRTB document entitled “Tribunal Procedures”.

He explained the procedure which would be followed; that the Tribunal was a formal procedure but that it would be as informal as was possible; that the person who appealed (the Appellant) would be invited to present their case first. Also that there would be an opportunity for cross-examination by the Respondent; that the Respondent would then be invited to present his case, and that there would be an opportunity for cross-examination by the Appellant.

The Chairperson explained that following this, the Appellant would be given an opportunity to make a final submission. He stressed that all evidence would be taken on oath and be recorded by the official stenographer present and he reminded the Parties that

knowingly providing false or misleading statements or information to the Tribunal was an offence pursuant to section 113 of the Act.

The Chairman advised the parties that the papers read by the Tribunal suggested to them that it might be possible for the parties to agree a settlement between themselves and offered them an opportunity, if they wished, to withdraw and consider if it was possible to come to an agreement. The parties accepted the offer and withdrew to discuss the matter. On returning the parties confirmed that they had reached an agreement which was as follows:

- The Landlord will pay the Tenants the sum of €275 within 7 days of the date of the issue of the Order of the Board, which payment is in full and final settlement of all matters arising as a result of the letting.

The Tribunal stated that this agreement would be reflected in the determination of the Tribunal which would be submitted to the Board for the making of an Order pursuant to s121 of the 2004 Act.

4. Determination:

Ref: TR32/DR 538/2010

In the matter of X (Appellant Landlords) and Aniko and Brian Lonergan (Respondent Tenants) the Tribunal in accordance with section 108 (1) of the Residential Tenancies Act 2004, determines as follows:

1. The Appellant Landlords shall pay the sum of €275 to the Respondent Tenants within 7 days of the date of issue of the Order by the Board, being the balance of the retained security deposit in respect of the tenancy of the dwelling at, Z.
2. The above payment is made in full and final settlement of the dispute.

The Tribunal hereby notifies the Private Residential Tenancies Board of this Determination made on this 11th day of March 2010.

Signed:

Thomas Reilly, Chairperson

For and on behalf of the Tribunal.