

Residential Tenancies Board

Determination Order

Ref: DR1116-30453

In the matter of Cristian Mihai, Agnes Mihai [Applicant Tenants] and Adrian McDonagh [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

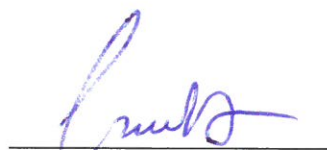
1. The Notice of Termination served by the Respondent Landlord on 20 October 2016, on the Applicant Tenants in respect of the tenancy of the dwelling at 16 University Court, Castletroy, Co. Limerick, is invalid.
2. The Respondent Landlord shall pay the total sum of €500 to the Applicant Tenants, being damages for breach of landlord obligations under s. 12(1)(a) of the Residential Tenancies Act 2004 by unlawfully interfering with the Applicant Tenants' right to peaceful and exclusive occupation of the above dwelling. The amount of €500 is to be off-set against the rent arrears owing by the Applicant Tenants and addressed below.
3. The Applicant Tenants shall pay the total sum of €2,367 to the Respondent Landlord, in 5 equal consecutive instalments at the rate of €400 per calendar month, on the 28th day of each month, followed by one further instalment of €367 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €1,390.82 and outstanding utility bills of €1,476.18, off-set against damages of €500 owing by the Respondent Landlord to the Applicant Tenants for breach of landlord obligations under s. 12(1)(a) of the Residential Tenancies Act 2004 by unlawfully interfering with the Applicant Tenants' right to peaceful and exclusive occupation of the dwelling in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €2,367 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Applicant Tenants to the Respondent Landlord on each due date until such time as the total sum of €2,367 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Respondent Landlord.

This Order was made by the Residential Tenancies Board on 01 February 2017.



Mary O'Donovan
Board Member

Duly authorised to sign on behalf of the Board



Carolyn O'Brien
Higher Executive Officer

Duly authorised to sign on behalf of the Board