

Private Residential Tenancies Board

RESIDENTIAL TENANCIES ACT 2004

Report of Tribunal Reference No: TR0415-001138 / Case Ref No: 0215-17024

Appellant Tenant:	Maciej Wiktor
Respondent Landlord:	Og Dobson, Darach Dobson
Address of Rented Dwelling:	22 Killester Park, Killester , Dublin 5, D05Y677
Tribunal:	John FitzGerald (Chairperson) Thomas Reilly, Nesta Kelly
Venue:	Tribunal Room, PRTB, 2nd Floor, O'Connell Bridge House, D'Olier Street, Dublin 2
Date & time of Hearing:	21 August 2015 at 10:30
Attendees:	Maciej Wiktor, Tribunal Appellant, Tenant, Og Dobson, Tribunal Respondent, Landlord, Darach Dobson, Tribunal Respondent, Landlord
In Attendance:	Gwen Malone Stenographers.

1. Background:

On 27 February 2015 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 Mediation which took place on 12 March 2015. The Mediator determined that In the matter of Maciej Wiktor (Applicant Tenant) and Darragh & Og Dobson (Respondent Landlords) the Mediator, in accordance with section 95 of the Act, reports that no agreement was reached by the Parties.

No matters have been agreed to by the parties which resolve in whole the dispute in respect of the tenancy of the dwelling at 22 Killester Park, Killester, Dublin 5.

Subsequently the following appeal was received from the Tenant by the PRTB on 24 April 2015. The grounds of the appeal: Breach of fixed term lease, Breach of landlord obligations, Invalid Notice of termination, Standard and maintenance of dwelling and this was approved by the Board at their meeting on 15 May 2015.

The PRTB constituted a Tenancy Tribunal and appointed Thomas Reilly, John FitzGerald and Nesta Kelly as Tribunal members pursuant to Section 102 and 103 of the Act and appointed John FitzGerald to be the chairperson of the Tribunal ("the Chairperson").

On 16 June 2015 the Parties were notified of the constitution of the Tribunal and provided with details of the date, time and venue set for the hearing.

On 21 August 2015 the Tribunal convened a hearing at Tribunal Room, PRTB, 2nd Floor, O'Connell Bridge House, D'Olier Street, Dublin 2.

2. Documents Submitted Prior to the Hearing Included:

1. PRTB File

3. Documents Submitted at the Hearing Included:

None

4. Procedure:

The Chairperson asked the Parties present to identify themselves and to identify in what capacity they were attending the Tribunal. The Chairperson 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".

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

The Chairperson explained that following this, both parties would be given an opportunity to make a final submission.

The Chairperson stressed that all evidence would be taken on oath or affirmation 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 punishable by a fine of up to €4,000 or up to 6 months imprisonment or both.

The Chairperson also reminded the Parties that as a result of the Hearing that day, the Board would make a Determination Order which would be issued to the parties and could be appealed to the High Court on a point of law only [reference section 123(3) of the 2004 Act].

The Parties were then sworn in.

The Chairperson informed the parties that should they see merit in conferring with each other with a view to reaching an agreement the Tribunal would facilitate such a request and recess for a period to allow negotiations to take place.

Both Parties made submissions to the Tribunal in the course of which it became clear that both Parties were willing to negotiate and a recess was facilitated by the Tribunal. Following this recess the Parties indicated to the Tribunal that an agreement had been reached between them, committed to in writing and signed by both Parties. Both Parties indicated to the Tribunal that they would prefer their agreement not be published on the PRTB website and that the terms of the agreement would as far as possible remain confidential.

5. Submissions of the Parties:

N/a

6. Matters Agreed Between the Parties

The agreement reached between the Parties is annexed to the Determination Order.

7. Findings and Reasons:

N/a

8. Determination:

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In the matter of Maciej Wiktor (Tenant) and Og Dobson, Darach Dobson (Landlord) the Tribunal in accordance with section 108(1) of the Residential Tenancies Act 2004, determines that:

The Tribunal makes an order as per the Terms and Conditions of the said agreement, a copy of which is annexed hereto and forms part of the Order, in respect of the tenancy of the dwelling at 22 Killester Park, Killester, Dublin 5.

The Tribunal hereby notifies the Private Residential Tenancies Board of this Determination made on 23/08/2015.

Signed:

A handwritten signature in blue ink, appearing to read 'John FitzGerald', with a horizontal line drawn underneath it.

John FitzGerald, Chairperson

For and on behalf of the Tribunal.

Tribunal Reference No

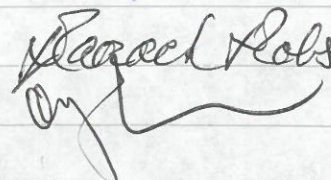
0415-001138

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in full ~~and~~ Final agreement
of this dispute the Parties agree

- a/ That the Landlord will pay
the sum of £1,500 to the
Appellant Tenant by way
of Bank Transfer within
7 working days of the
Date of the Tribunal 21/8/15
to settle all matters
before the Tribunal as of the
Date.

Signed By the
Tenant :- Olafyrikhan

Signed By
the Landlord.
Ragael Holson
by 

Signed John the General
Chairman of the Tribunal