

Private Residential Tenancies Board

Determination Order


Ref: TR0314-000596/DR1013-08527

In the matter of Ifeanyi Ede [Appellant Tenant] and Ken White [Respondent Landlord] the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 3/12/2013 by the Respondent Landlords on the Appellant Tenant, in respect of the tenancy of the dwelling at 2 College View, Main Street, Ballymun, Dublin 11 is valid.
2. The Appellant Tenant and all persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 21 days of the date of issue of the Determination Order by the Board.
3. The Appellant Tenant shall pay the net sum of €8,188.77 to the Respondent Landlord in 16 consecutive monthly payments of €500.00 on the 28th day of each month followed by one payment of €188.77 in the immediately succeeding month commencing on the 28th day of the month immediately following the date of issue of the Determination Order by the Board being rent arrears of €8,688.77 plus damages of €500 in respect of the consequences of the breach of tenant's obligations pursuant to Section 16 (k) of the Act and having deducted the sum of €1,000 being damages for the consequences of the breach of Landlord's obligations pursuant to section 12 (1) (b) of the Residential Tenancies Act, 2004.
4. The enforcement of the Order for such payment of €8,188.77 will be deferred and the sum owing reduced by the cumulative sum paid in the monthly instalment(s) made by the Applicant Tenant to the Respondent Landlord, on each due date, until such time as the total sum of €8,188.77 has been paid in full.
5. For the avoidance of doubt any default in the payment of a monthly instalment 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.
6. The Appellant Tenant shall also pay any further rent outstanding from the 22nd May 2014 (date of Tribunal hearing), at the rate of €900 per month or proportional part thereof at the rate of €29.59 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each day or part thereof, until such time as he vacates and gives up possession the above dwelling.

7. The Respondent Landlord shall refund the entire of the security deposit of €950 to the Appellant Tenant, on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act all in respect of the tenancy of the Dwelling at 2 College View, Main Street, Ballymun, Dublin 11.

This Order was made by the Private Residential Tenancies Board on 18 July 2014.



Catriona Walsh
Chairperson

Duly authorised to sign on behalf of the Board



Janette Fogarty
Assistant Director

Duly authorised to sign on behalf of the Board