

**Private Residential Tenancies Board**

**RESIDENTIAL TENANCIES ACT 2004**

**Report of Tribunal Reference No: TR0314-000603 / Case Ref No: 1213-09317**

**Appellant Landlord:** Francis Chatham

**Respondent Tenant:** Elena Scutaru

**Address of Rented Dwelling:** Apt. 10, 568 North Circular Road , Dublin 1

**Tribunal:** Gareth Robinson (Chairperson)  
Gene Feighery, Thomas Reilly

**Venue:** Tribunal Room, PRTB, Floor 2, O'Connell Bridge  
House, D'Olier Street, Dublin 2

**Date & time of Hearing:** 28 May 2014 at 2:30

**Attendees:** Elena Scutaru, Respondent Tenant,  
Noel Neenan, Representative of the Tenant,

**In Attendance:** Gwen Malone Stenographers  
Daniel Dumuta, Interpreter

**1. Background:**

On 04/12/2013 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 05/02/2014. The Adjudicator determined that:

The Applicant Tenant's application regarding breach of Landlord obligations, invalid notice of termination and unlawful termination of tenancy in respect of the tenancy of the dwelling at Flat 10, 568 North Circular Road, Dublin 1, is upheld.

The Respondent Landlord shall pay the total sum of €1200 to the Applicant Tenant within 28 days of the date of issue of the Order, being damages of €2012 for breach of landlord obligations, invalid notice of termination and unlawful termination of tenancy, having deducted €812 in rent arrears for the period 23/10/13 to the 19/12/13, in respect of the tenancy of the dwelling at Flat 10, 568 North Circular Road, Dublin 1.

Subsequently an Appeal was received from the Landlord and approved by the Board on 4/4/2014:

The PRTB constituted a Tenancy Tribunal and appointed Gareth Robinson, Gene Feighery, Thomas Reilly as Tribunal members pursuant to Section 102 and 103 of the Act and appointed Gareth Robinson to be the chairperson of the Tribunal ("the Chairperson").

On 6/5/2014 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 28/05/2014 the Tribunal convened a hearing at Tribunal Room, PRTB, Floor 2, 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:**

N/A

**4. Procedure:**

The Chairperson asked the parties 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".

The Chairperson explained the procedure which would be followed; that the Tribunal was a formal procedure but that it would be as informal as possible; that the person who appealed (in this case the Respondent Tenant) would be invited to present his case first, that there would be an opportunity for cross-examination by the Appellant Landlord; that the Respondent Tenant would then be invited to present her case and that there would be an opportunity for cross-examination by the Appellant Tenant. He also said that members of the Tribunal might ask questions of both parties from time to time.

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

He stressed that all evidence would be taken on oath or by way of affirmation and berecorded 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 €4,000 and/or up to 6 months imprisonment or both.

The Chairperson noted that should the parties indicate that they would be able to resolve the dispute through negotiation, the Tribunal would facilitate any such negotiation. The terms of any such agreement can be incorporated into a Determination Order of the Tribunal and would be enforceable through the Courts.

The Chairperson also reminded the parties that, as a result of the Hearing that they would submit their findings to the Board who would make a legally binding Determination Order which would be issued to the parties and could be appealed to the High Court on a point of law only.

It was now approximately 2.50 pm, and the Appellant was afforded a sufficient period of time in which to attend the Tribunal. The Appellant was not present at this stage, and it was agreed that the hearing would commence.

The Appellant Landlord was not present, so it fell to the Tribunal to affirm the Determination Order of the Adjudicator of the 5th of February, 2014.

**5. Submissions of the Parties:**

N/A

**6. Matters Agreed Between the Parties**

N/A

**7. Findings and Reasons:**

N/A

**8. Determination:**

**Tribunal Reference TR0314-000603**

**In the matter of Francis Chatham (Landlord) and Elena Scutaru (Tenant) the Tribunal in accordance with section 108(1) of the Residential Tenancies Act 2004, determines that:**

The determination of the Adjudicator is affirmed in that:

1. The Applicant Tenant's application regarding breach of Landlord obligations, invalid notice of termination and unlawful termination of tenancy in respect of the tenancy of the dwelling at Flat 10, 568 North Circular Road, Dublin 1, is upheld.
2. The Respondent Landlord shall pay the total sum of €1,200 to the Applicant Tenant within 28 days of the date of issue of the Order, being damages of €2,012 for breach of landlord obligations, invalid notice of termination and unlawful termination of tenancy, having deducted €812 in rent arrears for the period 23/10/13 to the 19/12/13, in respect of the tenancy of the dwelling at Flat 10, 568 North Circular Road, Dublin 1.

The Tribunal hereby notifies the Private Residential Tenancies Board of this Determination made on 12/06/2014.

**Signed:**



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**Gareth Robinson Chairperson**

For and on behalf of the Tribunal.