

Private Residential Tenancies Board

RESIDENTIAL TENANCIES ACT 2004

Report of Tribunal Reference No: TR0414-000611 / Case Ref No: 1113-08989

Appellant Landlord:	Matthew Brady
Respondent Tenant:	Veyriac Romain
Address of Rented Dwelling:	Flat 6, 128 Cabra Park, Phibsborough , Dublin 7
Tribunal:	Patricia Sheehy Skeffington (Chairperson) Aidan Brennan, John Tiernan
Venue:	Tribunal Room, PRTB, Floor 2, O'Connell Bridge House, D'Olier Street, Dublin 2
Date & time of Hearing:	04 June 2014 at 10:30
Attendees:	Gwen Malone Stenographers
In Attendance:	For the Appellant: No appearance For the Respondent : Veyriac Romain (Respondent Tenant)

1. Background:

On 18 November 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 14 February 2014. The Adjudicator determined that the Respondent Landlord should pay the total sum of € 1,000.00, being damages for the Respondent Landlord's breach of duty owed to third parties in failing to enforce tenants' obligations in respect of the tenancies of the dwellings at Flat 2, Flat 4 and Flat 7, 128 Cabra Park, Phibsboro, Dublin 7.

The landlord subsequently applied to appeal on 9 April 2014, citing as grounds fulfilment of landlord's obligations in respect of the anti-social behaviour. The application for the appeal was approved by the Board on 11 April 2014.

The PRTB constituted a Tenancy Tribunal and appointed Patricia Sheehy Skeffington, Aidan Brennan and John Tiernan as Tribunal members pursuant to Section 102 and 103 of the Act and appointed Patricia Sheehy Skeffington to be the chairperson of the Tribunal ("the Chairperson").

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 4 June 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:

None.

4. Procedure:

As one party failed to appear, the Tribunal delayed the commencement of the Tribunal for 45 minutes in the interests of any person running late or seeking to inform the PRTB of any reason for their non attendance.

The Chairperson asked the party present to identify himself and to identify in what capacity he was attending the Tribunal. As the party present was the respondent to the hearing, it was explained that in the absence of the Appellant the appeal could be deemed abandoned and the Adjudicator's decision would follow its normal course. The Respondent Tenant indicated he agreed with this approach.

5. Submissions of the Parties:

None.

6. Matters Agreed Between the Parties

None.

7. Findings and Reasons:

1. FINDING

The appeal against the Adjudicator's decision is abandoned.

Reasons

1. The Appellant Landlord failed to appear at the Tribunal at the designated time or within a reasonable period thereafter. Moreover he did not communicate with the Tribunal to present reasonable reason for his absence. Furthermore he did not provide instructions as to any wish that the appeal should be moved and proceed in his absence.

2. The Respondent Tenant indicated he was content that the Adjudicator's decision stood.

8. Determination:

Tribunal Reference TR0414-000611

In the matter of Matthew Brady (Landlord) and Veyriac Romain (Tenant) the Tribunal in accordance with section 108(1) of the Residential Tenancies Act 2004, determines that:

The Appellant Landlord's appeal of the Adjudicator's determination of 14 February 2014 in respect of a tenancy of the dwelling at Flat 6, 128 Cabra Park, Phibsborough, Dublin 7 is abandoned and the determination of the Adjudicator is affirmed in that:

The Respondent Landlord shall pay the total sum of € 1,000.00 to the Applicant Tenant within 14 days of the issue of the Order, being damages for the Respondent Landlord's breach of duty owed to third parties in failing to enforce tenants obligations in respect of the tenancies of the dwellings at Flat 2, 128 Cabra Park, Phibsboro, Dublin 7 and at Flat 4, 128 Cabra Park, Phibsboro, Dublin 7 and Flat 7, 128 Cabra Park, Phibsboro, Dublin 7. The Tribunal hereby notifies the Private Residential Tenancies Board of this Determination made on 19/06/2014.

Signed:



Patricia Sheehy Skeffington Chairperson

For and on behalf of the Tribunal.