**Private Residential Tenancies Board**

## RESIDENTIAL TENANCIES ACT 2004

**Report of Tribunal Reference No: TR0415-001116 / Case Ref No: 0215-16748**

**Appellant Tenant:** Donagh Barrett

**Respondent Landlord:** Sue Hodgson

**Address of Rented Dwelling:** Flat 2A, The Lawns, Abbeylands, Clane , Kildare,

**Tribunal:** Helen-Claire O'Hanlon (Chairperson)

Roderick Maguire, John Keane

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

**Date & time of Hearing:** 31 August 2015 at 10:30

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| **Attendees:** | Paul McCormack, DNG McCormack Rentals, (Representative for the Respondent Landlord) |
| **In Attendance:** | Gwen Malone Stenographers |

**1. Background:**

On 16 February 2015 the Landlord 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 13 March 2015. The Adjudicator determined that:

1. The Respondent Tenant is liable to the Applicant Landlord in the sum of €2,361.71 in respect of arrears of rent at the Dwelling at Flat 2A, The Lawns, Abbeylands, Clane, Kildare.

2. The Respondent Tenant shall pay the sum of €2,361.71 to the Applicant Landlord within 42 days following the issue of the determination Order.

3. The Tenant shall also pay any further rent outstanding from 4th March 2015 on the basis of a rent of €850.00, unless lawfully varied, and any other charges as set out in the tenancy agreement for each month or part thereof, until such time as he vacates the Dwelling.

4. The Notice of Termination of Tenancy dated 19th December 2014 does not comply with the requirements of section 62 of the Act and is, accordingly, not a valid notice of termination.

Subsequently the following appeal was received from the Tenant on 09 April 2015. The grounds of the appeal were Standard and maintenance of dwelling, Invalid Notice of termination, Breach of landlord obligations, Anti-social behaviour and another. The appeal was approved by the Board on 28 April 2015.

The PRTB constituted a Tenancy Tribunal and appointed Roderick Maguire, Helen-Claire O'Hanlon, John Keane as Tribunal members pursuant to Section 102 and 103 of the Act and appointed Helen-Claire O'Hanlon to be the chairperson of the Tribunal (“the Chairperson”).

On 22 July 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 31 August 2015 the Tribunal convened a hearing at Board 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 party present to identify himself and to identify in what capacity he was attending the Tribunal. The Chairperson confirmed with the party that he had received the relevant papers from the PRTB in relation to the case and that he had received the PRTB document entitled “Tribunal Procedures”. Only the authorised representative of the Respondent Landlord was in attendance. The Chairperson explained that as the Appellant Tenant was not in attendance to move his appeal that the appeal was held to be abandoned and accordingly the Determination of the Adjudicator would be deemed to be upheld.

**5. Submissions of the Parties:**

No evidence was adduced for or on behalf of the Appellant Tenant.

The Respondent Landlord:

As the Appellant Tenant did not attend to move his appeal, no evidence was heard in response from the Respondent Landlord’s representative.

**6. Matters Agreed Between the Parties**

None.

**7. Findings and Reasons:**

Finding No 1: The Tribunal finds that the Appellant Tenant has abandoned his appeal.

Reason: It was confirmed that the Appellant Tenant was properly on notice of the date, time and location of the Tribunal Hearing and did not attend to move his appeal.

**8. Determination:**

**Tribunal Reference TR0415-001116**

**In the matter of Donagh Barrett (Tenant) and Sue Hodgson (Landlord) the Tribunal in accordance with section 108(1) of the Residential Tenancies Act 2004, determines that:**

The Appellant Tenant’s appeal, regarding Notice of Termination, the Standard and Maintenance of the Dwelling, Breach of Landlord Obligations, Anti-Social Behaviour and Unlawful Termination of the Tenancy, in respect of the tenancy of the dwelling at Flat 2A The Lawns, Abbeylands, Clane, Co Kildare, is abandoned and the Adjudicators determination is affirmed.

The Tribunal hereby notifies the Private Residential Tenancies Board of this Determination made on 15/09/2015.

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| **Signed:** |  |

**Helen-Claire O'Hanlon Chairperson**

For and on behalf of the Tribunal.