**Private Residential Tenancies Board**

## RESIDENTIAL TENANCIES ACT 2004

**Report of Tribunal Reference No: TR0615-001218 / Case Ref No: 0415-17826**

**Appellant Tenant:** John Duffy

**Respondent Landlord:** Simone Troesch

**Address of Rented Dwelling:** Apartment 7, Hazelgrove Court, Tallaght , Dublin 24, D24KY87

**Tribunal:** Anne Colley (Chairperson)

Brian Murray, Nesta Kelly

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

**Date & time of Hearing:** 09 September 2015 at 2:30

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| **Attendees:** | Ian Walsh (Representative of the Respondent Landlord) |
| **In Attendance:** | Representative of Gwen Malone Stenographers |

**1. Background:**

On 13 April 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 12 May 2015. The Adjudicator determined that:

1. The Notice of Termination served on the 16th January 2015 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 2 Hazelgrove Court, Tallaght, Dublin 24 is valid.

2. The Respondent Tenant and all persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 7 days of the date of issue of this Order.

3. The Respondent Tenant shall pay the total sum of €5,705 to the Applicant Landlord at the rate of €500 per calendar month, and at the rate of €14.43 per day where a full calendar month does not apply, on the 28th day of each month, commencing the next month after the issue of the Order. This sum represents rent arrears of €5,705 in respect of the tenancy of the dwelling at Apartment 2, Hazelgrove Court, Tallaght, Dublin 24.

4. The Respondent Tenant shall also pay any further rent outstanding from 12 April 2015 to the Applicant at the rate of €900 per month or proportionate part thereof at the rate of €14.43 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as he vacates the above dwelling.

5. The enforcement of the Order for such payment will be deferred and the total sum owing will be reduced by the number of monthly instalments of €500 made to the Applicant Landlord on each due date until the sum of €5,705 has been paid in full.

6. For the avoidance of doubt any default in the payment of the monthly instalments of €500 shall act to cancel any further deferral and the balance due at the date of default shall immediately become due and owing to the Applicant Landlord.

7. The Applicant Landlord shall refund the entire of the security deposit of €800 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up possession of the above dwelling, less any amounts properly witheld in accordance with the provisions of the Act.

Subsequently the following appeal was received by the PRTB from the Tenant on 17 June 2015. The grounds of the appeal were Rent arrears and overholding. The appeal was approved by the Board on 23 June 2015.

The PRTB constituted a Tenancy Tribunal and appointed Nesta Kelly, Anne Colley, Brian Murray as Tribunal members pursuant to Section 102 and 103 of the Act and appointed Anne Colley to be the chairperson of the Tribunal (“the Chairperson”).

On 03 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 09 September 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:**

N/A

**4. Procedure:**

As the Appellant Tenant did not appear when 20 minutes had elapsed after the appointed hearing time, and noting that he had not appeared for the Adjudication hearing either, the Tribunal determined that he was not going to attend and deemed that he had abandoned his appeal. The appeal case would therefore not proceed. In the presence of the Respondent Landlord's representative, Mr Ian Walsh, the Chairperson confirmed this position and indicated that the Tribunal would report to the Board that no hearing had taken place and the Board would then confirm the determination of the Adjudicator in the dispute.

**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 TR0615-001218**

**In the matter of John Duffy (Tenant) and Simone Troesch (Landlord) the Tribunal in accordance with section 108(1) of the Residential Tenancies Act 2004, determines that:**

N/A

The Tribunal hereby notifies the Private Residential Tenancies Board of this Determination made on 14 september 2015.

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| **Signed:** | \\v-1-hq-fs-01\HOME\Common\Signatures\TribunalMembers\Anne Colley.png |

**Anne Colley Chairperson**

For and on behalf of the Tribunal.