**Private Residential Tenancies Board**

## RESIDENTIAL TENANCIES ACT 2004

**Report of Tribunal Reference No: TR0615-001235 / Case Ref No: 0215-16801**

**Appellant Landlord:** Brendan Buck, Eilleen Buck (Hart)

**Respondent Tenant:** Mark Keenan

**Address of Rented Dwelling:** Ballintone, Greenan, Rathdrum , Wicklow,

**Tribunal:** Rosemary Healy Rae (Chairperson)

Aidan Brennan, Deirdre Bignell

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

**Date & time of Hearing:** 11 September 2015 at 10:30

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| **Attendees:** | Eilleen Hart (Appellant Landlord)  Brendan Buck (Appellant Landlord)  Mark Keenan (Respondent Tenant)  Dr. Ciaran Crummey (Witness) |
| **In Attendance:** | Gwen Malone Stenographers |

**1. Background:**

On 18 February 2015 the Tenant made an application to the Private Residential Tenancies Board (“the PRTB”) pursuant to Section 76 of the Act. The matter was referred to an Adjudication which took place on 21 May 2015. The adjudicator determined that:

The Respondent Landlord shall pay the total sum of €992 to the Applicant Tenant, within 7 days of the date of issue of the Order, being the balance of the unjustifiably retained security deposit of €1,100 having deducted €108 in rent due and owing, in respect of the tenancy of the dwelling Ballintone, Greenan, Rathdrum, Wicklow.

An appeal against the Adjudicator’s Determination was lodged by the Landlords on 26 June 2015 and this appeal was approved by the Board of the PRTB on 10 July 2015.

The PRTB constituted a Tenancy Tribunal and appointed Aidan Brennan, Deirdre Bignell and Rosemary Healy Rae as Tribunal members pursuant to Section 102 and 103 of the Act and appointed Rosemary Healy Rae to be the chairperson of the Tribunal (“the Chairperson”).

On 14 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 11 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:**

None

**4. Procedure:**

The Chairperson asked the Parties present to identify themselves and to identify in what capacity they were attending the Tribunal. The Chairperson 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 held in as informal a manner as was possible; that the persons who appealed (the Appellants) would be invited to present their case first; that there would be an opportunity for cross-examination by the Respondent; that the Respondent would then be invited to present his case, and that there would be an opportunity for cross-examination by the Appellants.

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

The Chairperson stressed that all evidence would be taken on oath or affirmation and be recorded by the official stenographer present and 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 or up to 6 months imprisonment or both. The Chairperson asked the Parties if they had any queries about the procedure, there were no queries.

The Chairperson also reminded the Parties that as a result of the Hearing that day, the Board would make a Determination Order which would be issued to the parties and could be appealed to the High Court on a point of law only [pursuant to section 123(3) of the 2004 Act].

The Parties were then sworn in.

**5. Submissions of the Parties:**

At the outset of the hearing, the Tribunal was made aware that the parties to the dispute were willing to enter into discussions with a view establishing if it were possible to reach agreement between the parties in relation to the matters in dispute between them. Following an adjournment of the hearing to facilitate such discussions, the parties to the dispute advised the Tribunal that they had reached an agreement in relation to the matters in dispute between them. A copy of the confidential written agreement entered into and signed by the Appellant Landlords and the Respondent Tenant is appended to this report.

**6. Matters Agreed Between the Parties**

Before inviting the parties to make their submissions the Chairperson referred to the following factual matters in relation to the tenancy which were not in dispute between the parties:

1. The tenancy of the dwelling at Ballintone, Greenan, Rathdrum, County Wicklow commenced on 8 September 2013 and the Respondent Tenant vacated the dwelling on 13 September 2013.

2. The rent on the dwelling was €1,100 per month.

3. The Respondent Tenant paid a deposit to the Appellant Landlords of €1,100.

**7. Findings and Reasons:**

The Tribunal finds that the dispute between the Appellant Landlords and the Respondent Tenant has been settled on the basis of an agreement reached between the parties which is annexed hereto but will remain confidential.

**8. Determination:**

**Tribunal Reference TR0615-001235**

**In the matter of Brendan Buck, Eilleen Buck (Hart) (Landlord) and Mark Keenan (Tenant) the Tribunal in accordance with section 108(1) of the Residential Tenancies Act 2004, determines that:**

The Tribunal makes an order as per the terms and conditions of the confidential agreement reached between the parties, a copy of which is annexed hereto and forms part of the Order, in respect of the tenancy of the dwelling at Ballintone, Greenan, Rathdrum, County Wicklow.

The Tribunal hereby notifies the Private Residential Tenancies Board of this Determination made on 18 September 2015.

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| **Signed:** |  |

**Rosemary Healy Rae Chairperson**

For and on behalf of the Tribunal.