

## **Residential Tenancies Board**

### **Determination Order**

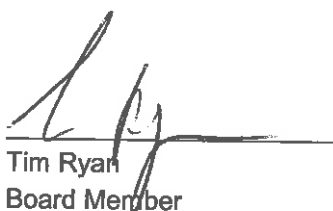
**Ref: DR0118-40114**

In the matter of Andreas De Tringo, Livia Gomes [Applicant Tenants] and Patricia Ryan, Joseph Ryan [Respondent Landlords] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of rent increase served on 04 September 2016 by the Respondent Landlords on the Applicant Tenants in respect of the tenancy of the dwelling at 66 Willowbank Court, Mill Road, Midleton, Co. Cork is invalid.
2. The current rate of rent remains in place. The Applicant Tenants shall continue to pay the current rate of rent to the Respondent Landlords at the rate of €850.00 per month, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement, for each month or part thereof in respect of the above dwelling.
3. The Respondent Landlords shall pay the total sum of €2,800.00 to the Applicant Tenants, being the overpayment of rent by the Applicant Tenants to the Respondent Landlords as a result of the invalid Notice of Rent Increase, within 28 days of the date of the Order.
4. The Notice of Termination served by the Respondent Landlords on 11 January 2018 on the Applicant Tenants in respect of the tenancy of the above dwelling is valid.
5. The Applicant Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling on or before 13 May 2018, or within 14 days of the date of issue of the Order, whichever is the later.
6. The Applicant Tenants shall pay any further rent outstanding from 23 February 2018 to the Respondent Landlords at the rate of €850.00 per month or proportionate part thereof at the rate of €27.95 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 they vacate the above dwelling.
7. The Respondent Landlords shall refund the entire of the security deposit of €850.00 to the Applicant Tenants, upon the Applicant Tenants vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

8. The Applicant Tenants' applications, regarding the Respondent Landlords' breach of their obligations under the Act in relation to the standard and maintenance of the dwelling, the rent book and the registration of the dwelling, in respect of the tenancy of the above dwelling, are not upheld.

This Order was made by the Residential Tenancies Board on 29 May 2018.



---

Tim Ryan

Board Member

Duly authorised to sign on behalf of the Board



---

Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Board