

Residential Tenancies Board


Determination Order

Ref: DR1117-39060

In the matter of Laura Caffrey [Applicant Tenant] and Jane Adams [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served by the Applicant on 12 March 2018 on the Applicant Tenant in respect of the tenancy of the dwelling at 53A Ardilaun Green, Mullingar, Co Westmeath, is valid.
2. The Applicant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 42 days of the date of issue of this Order.
3. The Applicant Tenant shall pay the total sum of €2,497.74 to the Respondent Landlord, within 42 days of the date of issue of this Order, being rent arrears and in respect of the tenancy of the above dwelling.
4. The Respondent Landlord shall pay the total sum of €0.00 to the Applicant Tenant, being damages of €1,000.00 for breach of landlord obligations under s. 12(1)(a) of the Residential Tenancies Act 2004 by unlawfully interfering with the Applicant Tenant's right to peaceful and exclusive occupation of the above dwelling and re-entering the dwelling in breach of s.58 of the Act, having set off sum of €1,000.00 being damages of €500.00 for breach of the Applicant Tenant's obligations pursuant to Section 16(a) (failure to pay rent as it fell due) and €500.00 for breach of the Applicant Tenant's obligations pursuant section 16(e) failure to allow the Respondent Landlord to inspect the dwelling of the Residential Tenancies Act, 2004
5. The Applicant Tenant shall also pay any further rent outstanding from 14 March 2018 to the Respondent Landlord at the rate of €560.00 per month or proportionate part thereof at the rate of €18.41 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 she vacates the above dwelling.
6. The Respondent Landlord shall refund the entire of the security deposit of €400.00 to the Applicant Tenant, upon the Applicant Tenant vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on 11 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