

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0119-51108**

In the matter of Kayleigh Hickey [Applicant Tenant] and Tom Smith [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 14th December 2018 and served by the Respondent Landlord upon the Applicant Tenant in respect of the tenancy of the dwelling at Apartment 2, The Keep, Castlefields, Athy, Co. Kildare is invalid.
2. The Notice of Termination with a service date of 24th January 2019 and served by the Respondent Landlord upon the Applicant Tenant in respect of the tenancy of the above dwelling is valid.
3. The Applicant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Order.
4. The Applicant Tenant shall pay the total sum of €311.75 to the Respondent Landlord, within 21 days of the date of issue of this Order, being rent arrears in respect of the tenancy of the above dwelling.
5. The Respondent Landlord shall pay the total sum of €700 to the Applicant Tenant within 21 days of the date of issue of this Order, being damages of €450 for breach of Section 12(1)(a) of the 2004 Act in addition to damages of €250 for breach of Section 12(1)(b) of the 2004 Act.
6. The Applicant Tenant shall also pay any further rent outstanding from 1st February 2019 at the rate of €975 per month or proportional part thereof 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.
7. The Respondent Landlord shall refund the entire of the security deposit of €1,100 to the Applicant Tenant, upon the Respondent Landlord 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 April 2019.

A handwritten signature in black ink, appearing to read 'Grace McCormack Macken', written over a horizontal line.

Grace McCormack Macken

Higher Executive Officer

Duly authorised to sign on behalf of the Director