

Residential Tenancies Board


Determination Order

Ref: DR0221-67801

In the matter of David O'Shea [Applicant Tenant] and Fergal Cadden Pension Trust [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 date of service of 6th February 2021 served by the Respondent Landlord on the Applicant Tenant, in respect of the tenancy of the dwelling at 1 Brookfield Cottage, 2 Orchard Road, Clondalkin Dublin 22, is valid.
2. The Applicant Tenant and any other 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 Determination Order.
3. The Applicant Tenant shall pay the sum of €500.00 to the Landlord, within 7 days of the date of issue of this Determination Order, being rent arrears in respect of the tenancy of the above dwelling.
4. The Respondent Landlord shall pay the total sum of €500.00 to the Applicant Tenant, within 7 days of the date of issue of this Determination Order, being damages for breach of landlord obligations pursuant to Section 12(1)(a) of the Act, by unlawfully interfering with the Applicant Tenant's right to peaceful and exclusive occupation of the above dwelling.
5. The Applicant Tenant shall also pay any further rent outstanding from 15th March 2021, being the date of the Adjudication Hearing, at the rate of €2,000.00 per month or proportionate part thereof at the rate of €65.75 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Applicant Tenant and any other persons residing therein.
6. The Respondent Landlord shall refund the security deposit of €2,000.00 to the Tenant, upon the Applicant Tenant vacating and giving up 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 25 May 2021.


Ciara Cronin
Higher Executive Officer
Duly authorised to sign on behalf of the Director