

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0320-61256**

In the matter of Niall Foy [Applicant Landlord] and Jemma Lee Stewart and Joao Carvalho [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 18th February 2020 served by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at Apartment 31, The Lodge, Abbeylands, Clane, County Kildare, W91AY62 is valid.
2. The Respondent Tenants and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within seven days of the expiration of the emergency period as defined in Section 3 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 or as extended by order under Section 4 of the Emergency Measures in the Public Interest (Covid-19) Act 2020.
3. The Respondent Tenants shall pay the sum of €7,581.96 to the Applicant Landlord, within seven days of the date of issue of this Determination Order, being rent arrears in breach of Section 16(a)(i) of the Act in respect of the tenancy of the above dwelling.
4. The Respondent Tenants shall also pay any further rent outstanding from 2nd July 2020, being the date of the paper based adjudication, at the rate of €1,250.00 per month or proportionate part thereof at the rate of €40.98 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 Respondent Tenants and any other persons residing therein.
5. The Applicant Landlord shall refund the security deposit of €1,250.00 to the Respondent Tenants, on gaining 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 9 September 2020.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director