

Residential Tenancies Board

Determination Order

Ref: DR0321-68233

In the matter of Thomas Kelly [Applicant Landlord] and Eileen McCarthy, Jamie O'Leary [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 25th August 2020 served by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at Apartment 11, River View, Main Street, Ballinasloe, Co. Galway, H53CH79 is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 63 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €4,730.00 to the Applicant Landlord, within 7 days of the date of issue of this Determination Order, being rent arrears of €4,730.00 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 5th May 2021, being the date of the Adjudication Hearing, at the rate of €110.00 per week or proportionate part thereof at the rate of €15.71 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each week 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 entire of the security deposit of €440.00 to the Respondent Tenants, upon the Respondent Tenants 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 14 July 2021.



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

