

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0418-43357**

In the matter of David Keane, June Keane [Applicant Tenants] and Elaine Boyle [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 13th February 2018 served by the Respondent Landlord on the Applicant Tenants in respect of the tenancy of the dwelling at 16 College Green, Claremorris, Co. Mayo, is valid.
2. The Applicant Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling on or before 30th September 2018 or within 28 days of the date of issue of this Order, compliance only being required with the later of the two.
3. The Respondent Landlord shall pay the total sum of €354.00 to the Applicant Tenants, within 7 days of the date of issue of this Order, being damages of €500.00 for the consequences of the Respondent Landlord's breach of Section 12(1)(a) and Section 14 of the Act having deducted rent arrears of €146.00, in respect of the tenancy of the above dwelling.
4. The Notice of Rent Review dated 13th February 2018 served by the Respondent Landlord on the Applicant Tenants in respect of the tenancy of the above dwelling is invalid.
5. The Applicant Tenants shall also pay any further rent outstanding from 29th June 2018, being the date of the Adjudication hearing, at the rate of €600.00 per month or proportional part thereof at the rate of €19.73 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 the Applicant Tenants vacate the above dwelling.
6. The Respondent Landlord shall refund the entire of the security deposit of €600.00 to the Applicant Tenants, upon the Applicant 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 06 September 2018.



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Carolyn O' Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director