

Residential Tenancies Board

Determination Order

Ref: DR0618-44763

In the matter of Kyle Gray, Melissa Gray [Applicant Tenants] and Oliver O'Rourke [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The termination by the Respondent Landlord of the Applicant Tenants' tenancy of the dwelling at 105 Somerton, Donabate, Co. Dublin, K36 WP83 was unlawful.
2. The Respondent Landlord shall pay the total sum of €6,440.00 to the Applicant Tenants, in 3 equal consecutive instalments at the rate of €2,000.00 per calendar month, on the 28th day of each month, followed by one further instalment of €440.00 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents damages of €5,000.00 for the consequences of unlawfully terminating the Applicant Tenants' tenancy, plus damages of €1,440.00 for breaching his obligations as landlord in respect of the tenancy of the above dwelling.
3. The enforcement of this Order for such payment of €6,440.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Landlord to the Applicant Tenants on each due date until such time as the total sum of €6,440.00 has been paid in full.
4. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Applicant Tenants.

This Order was made by the Residential Tenancies Board on 08 January 2019.



Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director