

Residential Tenancies Board

Determination Order

Ref: DR0618-45152

In the matter of James A Murphy (Receiver over the certain assets of Alan Delemere and Jacqueline Delemere) [Applicant Landlord] and Michael Gilchrist [Respondent Tenant] 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 27th September 2017, served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 11, St. Lawrence Building, Findlater Apartments, Howth, Co. Dublin, is valid.
2. The Respondent Tenant, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 56 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €3,000 to the Applicant Landlord, within 56 days of the date of issue of this Order, being rent arrears of €12,800 less €8,800 awarded for breach of landlord obligations to provide a point of contact for the tenant to contact the landlord or his authorised agent contrary to s.12(1)(f) of the Residential Tenancies Act, 2004 and less €1,000 for unlawfully interfering with the Respondent Tenant's right to peaceful and exclusive occupation in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 11th July 2018, being the date of the adjudication hearing, to the Applicant, at the rate of €800 per month or proportional part thereof at the rate of €26.30 per day, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as he vacates the above dwelling.
5. The Applicant Landlords shall refund the entire of the security deposit of €800 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up 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 26 October 2018.



Claire Diggin
Higher Executive Officer
Duly authorised to sign on behalf of the Director