

Residential Tenancies Board

Determination Order

Ref: DR0622-77770

In the matter of Randall Burkhardt [Applicant Tenant] and Dermot McBrierty [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 16th May 2022 served by the Respondent Landlord on the Applicant Tenant in respect of the tenancy of the dwelling at Apartment 23, Turvey Woods, Donabate, Co. Dublin, K36A326, is invalid.
2. The Notice of Termination dated 22nd September 2022 served by the Respondent Landlord on the Applicant Tenant in respect of the tenancy of the above dwelling is valid.
3. The Applicant Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Determination Order.
4. The Respondent Landlord shall pay the total sum of €50.00 to the Applicant Tenant, within 7 days of the date of issue of this Determination Order, being damages of €50.00 for the consequences of the Respondent Landlord's breach of Section 12(1)(i) of the Act, in respect of the tenancy of the dwelling at Apartment 23, Turvey Woods, Donabate, Co. Dublin, K36A326.
5. The Applicant Tenant shall pay any rent outstanding from 18th October 2022, being the date of the Adjudication hearing, at the rate of €1,100.00 per month or proportional part thereof at the rate of €36.16 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 above dwelling is vacated by the Applicant Tenant and any other persons residing therein.
6. The Respondent Landlord shall refund the entirety of the security deposit of €1,100.00 to the Applicant Tenant, upon the Applicant Tenant 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 December 2022.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director