

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0622-77909, DR0122-75250**

In the matter of Nicholas O'Dwyer (Acting in capacity as Receiver over the certain assets of Louise Mitchell), Louise Mitchell [Applicant/Respondent Landlords] and Mark O'Connor [Respondent/Applicant Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the Respondent/Applicant Tenant on 16 November 2021 in respect of the dwelling at 85 Creagán, Barna, Co. Galway, H91N9D2, is valid.
2. The Respondent/Applicant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the dwelling within 42 days of the date of issue of this Determination Order.
3. The Respondent/Applicant Tenant shall continue to pay any further rent due to the Applicant/Respondent Landlords from 27 October 2022, being the date of the Adjudication Hearing, at the rate of €1,080.00 per month, or proportionate part thereof at the rate of €35.51 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement, for each month/week or part thereof, until such time as the above dwelling is vacated by the Respondent/Applicant Tenant and any other persons residing therein.
4. The Applicant/Respondent Landlords shall refund the security deposit of €1,000.00 to the Respondent/Applicant Tenant, on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
5. The Applicant/Respondent Landlords shall pay the sum of €2,160.00 to the Respondent/Applicant Tenant for the breach of obligations pursuant to s.12(1)(b) and damages pursuant to s.115(2)(d) of the Residential Tenancies Act 2004 in respect of the tenancy 85 Creagán, Barna, Co. Galway, H91N9D2. The Applicant/Respondent Landlords shall pay the said sums to the Respondent/Applicant Tenant within 21 days of the issue of this Determination Order.
6. The Applicant/Respondent Landlords shall carry out the works necessary to meet the standards set in Regulations 4 and 10 of the Housing (Standards for Rented Houses) Regulations 2019 S.I. 137 of 2019 within 21 days of the issue of this Determination Order.

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