Residential Tenancies Board

Determination Order

Ref: DR0721-71385

In the matter of Mark Wade [Applicant Landlord] and Darren McSherry [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 14/5/21, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 42 Grange View Place, Grange View, Clondalkin, Dublin 22 is valid.

2. The Notice of Termination with a date of service of 22/6/21, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 42 Grange View Place, Grange View, Clondalkin Dublin 22 is invalid.

3. The Respondent 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 Tenant shall pay the sum of €4,109.40 to the Applicant Landlord, within 28 days of the date of issue of this Determination Order, being rent arrears in respect of the tenancy of the above dwelling.

5. The Respondent Tenant shall also pay any further rent outstanding from 12/11/21 being the date of the Adjudication Hearing, at the rate of €1,200.00 per month or proportionate part thereof at the rate of €39.45 per day, unless lawfully varied, and any other charges as provided for under 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 Tenant and any other persons residing therein.

6. The Applicant Landlord shall refund the security deposit of €1,200.00 to the Respondent Tenant, on gaining 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 16 February 2022.

Ciara Cronin
Higher Executive Officer
Duly authorised to sign on behalf of the Director