

Residential Tenancies Board

Determination Order

Ref: DR0820-63690

In the matter of Peter Burke [Applicant Landlord] and Kathleen Hickey [Respondent 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 22 March 2020 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 209, Block C, Castle Place, Railway Square, Waterford City, Co. Waterford is valid.
2. The Respondent Tenant, and any other person/s residing in the dwelling, shall vacate and give up possession of the above dwelling. Pursuant to the Residential Tenancies Act 2020 the Respondent Tenant and any other person/s residing in the dwelling shall not be required to vacate the dwelling during the emergency period as defined in section 2 of the Residential Tenancies Act 2020 or as extended by order under section 31A of the Health Act 1947. The Respondent Tenant and any other persons residing in the dwelling shall vacate the dwelling within 10 days of the expiration of the emergency period as defined in section 2 of the Residential Tenancies Act 2020 or as extended by order under section 31A of the Health Act 1947 or within 28 days of the date of the issue of this Order whichever is the later.
3. The Respondent Tenant shall pay the sum of €12,369.63 to the Applicant Landlord, within 28 days of the date of issue of this Order, being rent arrears due and owing as of 16 November 2020, being the date of the hearing, in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 16 November 2020, being the date of the hearing, to the Applicant Landlord, at the rate of €1,150 per month or proportionate part thereof at the rate of €37.81 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as she vacates the above dwelling.
5. The Applicant Landlord shall refund the entire of the security deposit of €1,150 to the Respondent Tenant, upon the Respondent 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 24 February 2021.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director