

Residential Tenancies Board

Determination Order

Ref: DR0820-64218

In the matter of Azhwan Barazenda, Shadi Faramarzi [Applicant Tenants] and Nora Cunningham [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Respondent Landlord was in breach of s.58 of the Residential Tenancies Acts 2004-2019 in unlawfully seeking to terminate the tenancy of the dwelling at 58 Dún na Carraige, Blackrock, Salthill, Co. Galway ("the Dwelling") by text message.
2. The Respondent Landlord was in breach of s.26 of the Residential Tenancies Acts 2004-2019 in purporting to breach a fixed term tenancy during the currency of that fixed term.
3. The Respondent Landlord was in breach of s.5 of the Emergency Measures in Public Interest (Covid 19) Act 2020 in purporting to terminate the tenancy on multiple occasions during the currency of an emergency period.
4. The Respondent Landlord was in breach of landlord's obligations in failing to allow the Applicant Tenants peaceful and exclusive occupation of the Dwelling in breach of s.12(1)(A) of the Residential Tenancies Acts 2004-2019.
5. The Respondent Landlord shall pay the Applicant Tenants the sum of €5,000.00 within 21 days of the issuance of this Determination Order in consideration of the breaches identified at paragraphs 1-4 of this Determination Order and in compensation of the Applicant Tenants' unlawful eviction from the Dwelling on 20 July 2020.

This Order was made by the Residential Tenancies Board on 23 June 2021.



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

