

Residential Tenancies Board

Determination Order

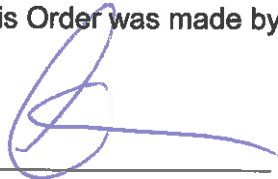
Ref: DR0918-48219, DR0918-48792

In the matter of Caroline Bisikwa [Applicant/Respondent Tenant] and Ray Moore, Paula Moore [Respondent/Applicant Landlords] 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 28th September 2018, by the Respondent/Applicant Landlords on the Applicant/Respondent Tenant, in respect of the tenancy of the dwelling known as Flat 5, 123 Rathgar Road, Dublin 6 is valid.
2. The Applicant/Respondent Tenant and all persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 21 days of the date of issue of this Determination Order.
3. The Notice of Rent Review served on the 2nd August 2018 by the Respondent/Applicant Landlords on the Applicant/Respondent Tenant, in respect of the tenancy of the above dwelling is invalid.
4. The current market rent remains in place. The Applicant/Respondent Tenant shall continue to pay the current rate of rent to the Respondent/Applicant Landlords from the 9th November 2018, 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 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/Respondent Tenant and all persons residing therein.
5. The Applicant/Respondent Tenant's applications regarding breach of the Respondent/Applicant Landlords' obligations under section 12(1)(b)(i) and (ii) of the Act by failing to carry out repairs and under section 12(1)(a) of the Act by failing to allow peaceful and exclusive occupation of the above dwelling are not upheld.
6. The Respondent/Applicant Landlords' application regarding breach of the Applicant/Respondent Tenant's obligations under section 16(e) of the Act by failing to allow the Respondent/Applicant Landlords, or any person or persons acting on the Respondent/Applicant Landlord's behalf, reasonable access to the above dwelling for the purposes of allowing any works and under Clause 3.12 of the Tenancy Agreement dated the 3rd November 2016 by having guests stay overnight in the above dwelling are not upheld.
7. The Applicant/Respondent Tenant is in breach of her obligations under section 16(d) of the Act by failing to notify the Respondent/Applicant Landlords or his or her authorised agent of defects that arose in respect of the above dwelling.

8. The Respondent/Applicant Landlords shall refund the entire of the security deposit of €1,200.00 to the Applicant/Respondent Tenant, upon the Applicant/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 14 February 2019.



Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director