

Residential Tenancies Board

Determination Order

Ref: DR0918-48439

In the matter of Stephen McCarthy [Applicant Landlord] and Mario Massion, Florin Eminescu [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 17 July 2018 by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 26 Craneyard Apartments, Crane Lane, Off Dame Street, Dublin 2 is valid.
2. The Notice of Termination served on 6 November 2018 by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 26 Craneyard Apartments, Crane Lane, Off Dame Street, Dublin 2 is valid, and the tenancy of the Dwelling terminated on 4 December 2018.
3. The Respondent Tenants and all persons residing in the above dwelling shall give up possession and vacate the dwelling in which they are in unlawful occupation and overholding, and return the keys of the Dwelling to the Applicant Landlord or his agent within 7 days of the issue of this Determination Order in this case.
4. The Respondent Tenants shall pay the Applicant Landlord the total sum of €12,000.00 within 7 days of the date of issue of the order. This sum represents rent arrears of €10,000.00 up to 7 December 2018 (date of the hearing) in respect of the tenancy of the dwelling, plus damages of €2,000.00 for breach of tenant obligations under section 16 (a), (c), (h), (l) and (m) of the Act.
5. From 8 December 2018 (date after the hearing) onwards the Respondent Tenants shall also pay the equivalent of the monthly rent at the rate of €2,000.00 per month or €65.75 per day unless lawfully varied, and any other charges set out in the terms of the tenancy agreement, until such time as they vacate and return the keys of the dwelling.
6. The Applicant Landlord shall refund the entire of the security deposit to the Respondent Tenants 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 08 February 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director