

## Residential Tenancies Board

### Determination Order

**Ref: DR0920-64750**

In the matter of Gordon Hourican [Applicant Landlord] and Damien Kelly [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 31st May 2019, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 5 Danes Court, Lusk, Co. Dublin is valid.
2. The Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling. Pursuant to the Residential Tenancies Act 2020, the Respondent Tenant and any other persons 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, or within 10 days of the date of issue of this Determination Order, whichever is the later.
3. The Respondent Tenant shall also pay any further rent outstanding from 12th November 2020, being the date of the adjudication hearing, at the rate of €1,013 per month or proportionate part thereof at the rate of €33.30 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.
4. The Applicant Landlord shall refund the security deposit of €875 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 24 February 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director