

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1018-49483**

In the matter of John Doyle [Applicant Landlord] and Derek Kiely, Gearoid Connelly [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 the 26th July 2018, on behalf of the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at Apartment 28, Strand Palace, Upper Strand, Youghal, Co. Cork, is valid. The tenancy terminated on 17 October 2018.
2. The Respondent Tenants, and all other persons residing in the above dwelling, shall vacate shall give up possession of the dwelling, in which they are in unlawful occupation and over-holding, within 7 days of the date of issue of this Determination Order. The Respondent Tenants shall return the keys of the dwelling, to the Applicant Landlord or his Agents, within the aforementioned 7 days.
3. The Respondent Tenants shall pay the total sum of €3,410.00 to the Applicant Landlord, within 28 days of the date of issue of this Determination Order. This sum represents rent arrears up to 18 November 2018 in respect of the tenancy of the above dwelling.
4. The Respondent Tenants shall also pay any further rent outstanding from 19 November 2018, the day immediately preceding the hearing date, to the Applicant Landlord, at the rate of €500.00 per month or proportional part thereof at the rate of €16.44 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 they, and any other occupant/s, vacate the dwelling.
5. The Applicant Landlord shall, on gaining vacant possession of the above dwelling, refund the Respondent Tenants the entire of any security deposit paid by them, less any amounts properly withheld in accordance with the provisions of the Act

This Order was made by the Residential Tenancies Board on 16 January 2019.



Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director