

Residential Tenancies Board

Determination Order

Ref: DR1118-49795, DR1118-50124

In the matter of Ben Lyons, Aoife Maher [Applicant/Respondent Tenants] and Alan Murphy, Lorna Nolan [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 17th October 2018, by the Respondent/Applicant Landlords on the Applicant/Respondent Tenants, in respect of the tenancy of the dwelling at 40 The Avenue, Scholarstown Wood, Rathfarnham, Dublin 16, is valid.
2. The Applicant/Respondent Tenants, and any other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 28 days of the date of issue of this Order.
3. The Applicant/Respondent Tenants shall pay the total sum of €5,000 to the Respondent/Applicant Landlords, by way of 10 consecutive monthly installments at the rate of €500 per month, to be paid on or before the 28th day of each month, payment commencing on the 28th day of the month immediately following the month of issue of this Order. This sum represents rent arrears of €6,000, having deducted €1,000 in damages for breach of Landlord obligations under s. 12(1)(a) of the Residential Tenancies Act 2004 for unlawfully interfering with the Applicant/Respondent Tenants' right to peaceful and exclusive occupation of the dwelling.
4. The enforcement of this Order for such payment of €5,000 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Applicant/Respondent Tenants to the Respondent/Applicant Landlords, on each due date, until such time as the total sum of €5,000 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Respondent/Applicant Landlords.
6. The Applicant/Respondent Tenants shall also pay any further rent outstanding from 23rd November 2018, being the date of the Adjudication hearing, to the Respondent/Applicant Landlords, at the rate of €3,000 per month or proportional part thereof at the rate of €98.63 per day, 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 vacate the above dwelling.

7. The Respondent/Applicant Landlords shall refund the entire of the security deposit of €3,000 to the Applicant/Respondent Tenants, upon the Applicant/Respondent Tenants 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 01 February 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director