

Residential Tenancies Board


Determination Order

Ref: DR1118-50293

In the matter of Łukasz Awarski [Applicant Tenant] and Martina Healion [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 10th August 2018 served by the Respondent Landlord on the Applicant Tenant in respect of the tenancy of the dwelling at 44 The Gallops, Kilbeggan, Co. Westmeath, N91A024 is invalid.
2. The Respondent Landlord shall pay the total sum of €4,336.30 to the Applicant Tenant, in 10 consecutive monthly payments of €433.63, on the 28th day of each month, commencing on the 28th day of the month immediately following the date of issue of this Order, being damages of €5,000.00 for the consequences of the Respondent Landlord's unlawful termination of the Applicant Tenant's Part 4 tenancy in breach of Sections 34 and 62 of the Act and having deducted rent arrears of €863.70 and having deducted damages of €350.00 for damage in excess of normal wear and tear to the dwelling in breach of Section 16(f) of the Act and having applied the entirety of the retained security deposit of €550.00, in respect of the tenancy of the above dwelling.
3. The enforcement of this Order for such payment of €4,336.30 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Landlord to the Applicant Tenant on each due date until such time as the total sum of €4,336.30 has been paid in full.
4. 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 Applicant Tenant.

This Order was made by the Residential Tenancies Board on 28 March 2019.


Grace McCormack Macken
Higher Executive Officer
Duly authorised to sign on behalf of the Director