

Residential Tenancies Board

Determination Order

Ref: DR1120-66015

In the matter of Ciaran Smyth [Applicant Landlord] and Erika Brennan [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 29 September 2020, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 57 Moyville, Rathfarnham, Dublin 16, D16XK61, 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 within 10 days of the expiration of the "Emergency Period" within the meaning of section 2 of the Residential Tenancies Act 2020, or within 10 days of the date of issue of this Determination Order by the RTB, whichever date is the later.
3. The Respondent Tenant shall pay the total sum of €2,314.26 to the Applicant Landlord within 14 days of the date of issue of this Determination Order, being rent arrears in the sum of €2,064.26 plus damages in the sum of €250.00 for breach of tenancy obligations not to cause damage over and above normal wear and tear to a door in the dwelling and for failing to inform the Applicant Landlord of the identity of other persons living in the dwelling, contrary to the requirements of section 16 of the Residential Tenancies Act 2004, as amended, in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 9 December 2020, being the date of this Adjudication, at the rate of €2,300.00 per month, or proportionate part thereof at the rate of €75.62 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Respondent Tenant and any other persons residing therein.

5. The Applicant Landlord shall refund the entire of the security deposit of €2,300.00 to the Respondent Tenant, upon the Respondent Tenant 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 07 April 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director