

Residential Tenancies Board

Determination Order

Ref: DR1218-50916

In the matter of Declan Smith, Catherine Smith [Applicant Landlords] and Marion Maherzi [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 11 December 2018 by the Applicant Landlords on the Respondent Tenant in respect of the tenancy of the dwelling at 6 Fisherman's Cottages, Querrin, Kilkee, Co. Clare is valid, and the tenancy of the Dwelling terminated on 9 January 2019.
2. The Respondent Tenant and all persons residing in the above Dwelling shall give up possession and vacate the Dwelling in which they are in unlawful occupation and overholding, and return the keys of the Dwelling to the Applicant Landlords, within 7 days of the issue of this Determination Order.
3. The Respondent Tenant shall pay the Applicant Landlords the total sum of €3,365.17 within 28 days of the date of issue of this Order. This sum represents rent arrears of €2,400.00 up to 11 February 2019 in respect of the tenancy of the above dwelling, plus damages of €600.00 for breach of tenant obligations to pay rent when it is due, plus electricity charges of €365.17.
4. From 12 February 2019 (date of the hearing and the next rent payment date) onwards the Respondent Tenant shall also pay the equivalent of the rent at the rate of €600.00 per month or €19.72 per day unless lawfully varied, and any other charges set out in the terms of the tenancy agreement, until such time as she vacate the above dwelling.
5. The Applicant Landlord shall refund the security deposit of €600.00 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.
6. The Respondent Tenant's complaints of breach of landlord obligations up to 12 February 2019 in respect of the tenancy of the above dwelling are not upheld.

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



Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director