

Residential Tenancies Board

Determination Order

Ref: DR0822-79299, DR112281406

In the matter of Elizabeth Bancroft, Gareth Nolan [Applicant/Respondent Tenants] and Bernadette Gallagher [Respondent/Applicant Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 2nd August 2022 served by the Respondent/Applicant Landlord on the Applicant/Respondent Tenants in respect of the tenancy of the dwelling at 7 The Rise, Dalkey, Co. Dublin, A96F862 is invalid.
2. The Notice of Termination dated 14th October 2022 served by the Respondent/Applicant Landlord on the Applicant/Respondent Tenants in respect of the tenancy of the abovedwelling is valid.
3. The Applicant/Respondent Tenants and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Determination Order.
4. The Applicant/Respondent Tenants shall pay the total sum of €9,268.00 to the Respondent/Applicant Landlord, within 7 days of the date of issue of this Determination Order, being rent arrears of €15,268.00 in breach of Section 16(a)(i) of the Act, having deducted damages of €1,000.00 for the consequences of the Respondent/Applicant Landlord's breach of Section 12(1)(b) of the Act and damages of €5,000.00 for the consequences of the Respondent/Applicant Landlord's breach of Section 12(1)(g) of the Act, in respect of the tenancy of the above dwelling.
5. The Applicant/Respondent Tenants shall also pay any further rent outstanding from 23rd January 2023, being the date of the Adjudication hearing, at the rate of €2,511.00 per month or proportional part thereof at the rate of €82.55 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Applicant/Respondent Tenants and any other persons residing therein.
6. The Respondent/Applicant Landlord shall refund the entirety of the security deposit of €2,200.00 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 March 2023.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director