

## **Residential Tenancies Board**

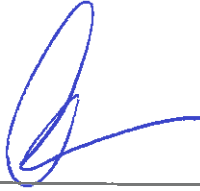
### **Determination Order**

**Ref: TR1118-003333/DR0818-47081**

In the matter of David Ward [Appellant Tenant] and Lynda Carroll [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 10 January 2018 served by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at 440 Galtymore Road, Drimnagh, Dublin 12, is valid.
2. The Appellant Tenant and all 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 Order.
3. The Appellant Tenant shall pay the sum of €1,760.52 arrears of rent to the Respondent Landlord. This sum of €1,760.52 shall be offset against the sum due to the Appellant Tenant set out in clause 4 below.
4. The Respondent Landlord shall pay the total sum of €239.48 to the Appellant Tenant within 28 days of the date of issue of this Order, being the sum of €2,000 damages for breach of landlord obligations under s.12 of the Residential Tenancies Act 2004, in respect of the tenancy of the above dwelling which sum is reduced by the sum of €1,760.52 arrears of rent due.
5. The Appellant Tenant shall also pay any further rent outstanding from 9 January 2019 being the date of the Tribunal hearing, to the Respondent Landlord at the rate of €1,050 per month or proportionate part thereof at the rate of €34.52 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 he vacates the above dwelling.
6. The Respondent Landlord shall refund the entire of the security deposit of €800 to the Appellant Tenant, upon the Appellant Tenant vacating and giving up vacant 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 21 February 2019.



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Carolyn O'Brien  
Higher Executive Officer  
Duly authorised to sign on behalf of the Director