

Residential Tenancies Board

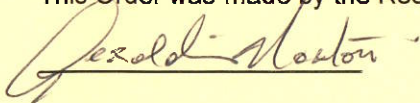
Determination Order

Ref: TR0123-005890/DR0622-78014

In the matter of Rosanna Callery [Appellant/Respondent Tenant] and Niall O'Hara [Respondent/Appellant Landlord], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served by the Respondent/Appellant Landlord on the Appellant/Respondent Tenant on the 16th of February 2022, in respect of the tenancy at the dwelling at 76 Magenta Hall, Santry, Dublin 9, is invalid.
2. The Notice of Termination served by the Respondent/Appellant Landlord on the Appellant/Respondent Tenant on the 23rd of May 2022, in respect of the tenancy of the above dwelling, is valid.
3. The Appellant/Respondent Tenant and all other persons in occupation of the above dwelling must vacate and give up possession of the dwelling within a period of 42 days from the date of issue of this Determination Order.
4. The Appellant/Respondent Tenant must pay the sum of €4,828.30 to the Respondent/Appellant Landlord, being rent arrears of €24,828.30 less damages of €20,000 for breach of landlord obligations pursuant to section 12(1)(b) of the Act.
5. The Appellant/Respondent Tenant shall pay the total sum of €4,828.30 to the Respondent/Appellant Landlord, in nine monthly instalments of €500 per month, plus one final instalment of €328.30, payable on the last day of each month, commencing the next month after the date of issue of this Determination Order.
6. The enforcement of this Order for such payment of €4,828.30 shall be deferred and the total sum owing will be reduced by the number of monthly instalments made to the Respondent/Appellant Landlord on each due date until the sum of €4,828.30 has been paid in full;
7. For the avoidance of doubt any default in the payment of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default shall immediately become due and owing to the Respondent/Appellant Landlord.
8. The Appellant/Respondent Tenant shall continue to pay the monthly rent of €1,572.50 (unless lawfully varied) or proportionate part thereof at a daily rate of €51.70, and any other lawful charges as they become due and owing until the date she vacates and gives up possession of the dwelling.
9. The Respondent/Appellant Landlord shall refund the entire of the security deposit of €1,500 to the Appellant/Respondent Tenant, on gaining 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 2 August 2023.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director