

Residential Tenancies Board

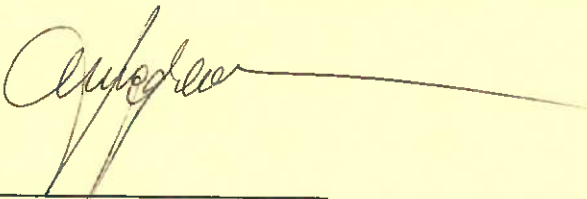
Determination Order

Ref: TR0123-005920/DR0622-77770

In the matter of Randall Burkhardt [Appellant Tenant] and Dermot McBrierty [Respondent 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 Landlord on the Appellant Tenant on 22 September 2022 with a vacate date of 22 October 2022 in respect of the tenancy of the Dwelling at Apartment 23, Turvey Woods, Donabate, County Dublin, K36A326 is valid.
2. The Appellant Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within twenty-eight days of the date of issue of this Determination Order.
3. The Respondent Landlord shall pay the total sum of €100.00 to the Appellant Tenant, within seven days of the date of issue of this Determination Order, being damages of €100.00 for the consequences of the Respondent Landlord's breach of Section 12(1)(i) of the Act.
4. The Appellant Tenant shall pay any rent outstanding from 30th June 2023, being the date of the Tribunal hearing, at the rate of €1,100.00 per month or proportional part thereof at the rate of €36.16 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 Appellant Tenant and any other persons residing therein.
5. The Respondent Landlord shall refund the entirety of the security deposit of €1,100.00 to the Appellant Tenant, upon the Appellant 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 18 October 2023.



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director