

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0319-003631/DR1118-50313**

In the matter of Adam Comerford [Appellant Tenant] and Jesus Berzosa Peiro [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notices of Termination served on the 2nd August 2018 and the 7<sup>th</sup> December 2018 by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at 103 Larkhill Road, Whitehall, Dublin 9, DO9Y189 are valid.
2. The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 56 days of the date of issue of this Determination Order.
3. The purported Rent Review dated 11th September 2018 in respect of the tenancy in the above dwelling is invalid.
4. The Appellant Tenant shall pay the total sum of €14,413.70 to the Respondent Landlord within 28 days of the date of issue of the Determination Order. This sum represents rent arrears of €18,413.70 plus damages of €1,000.00 for non payment of rent, less damages of €5,000.00 for the breach of the Respondent Landlord's obligations with regard to standard and maintenance of the dwelling under Section 12 of the Act, in respect of the tenancy of the above dwelling;
5. The Appellant Tenant shall also pay any further rent outstanding from the 19th July 2019 being the date of the Hearing, at the rate of €1,300.00 per month or proportionate part thereof at the rate of €42.74 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 €1,250.00 to the Appellant Tenant, upon the 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 29 August 2019.



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