

Residential Tenancies Board

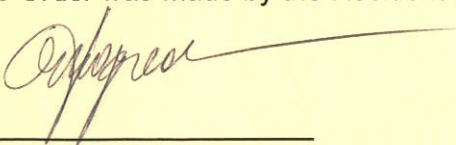
Determination Order

Ref: TR0323-006064/DR0822-79223

In the matter of Patrick Anthony Savage [Appellant Landlord] and David Long, Kadri Bormeister [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 22nd November 2022 served by the Appellant Landlord on the Respondent Tenants in respect of the tenancy at Kilcolman, Milltown, Killarney, Kerry, V93A8P6, is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 60 days of the date of issue of this Determination Order.
3. The Appellant Landlord shall refund the security deposit of €480.00 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
4. The Respondent Tenants shall continue to pay any further rent outstanding to the Appellant Landlord from 25 July, 2023, being the date of the Tribunal Hearing, at the rate of €720.00 per month, or proportionate part thereof at the rate of €23.67 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement, for each month/week or part thereof, until such time as the above dwelling is vacated by the Respondent Tenants and any other persons residing therein.
5. The Notice of Rent Review dated 16th August 2022 served by the Appellant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at Kilcolman, Milltown, Killarney, Kerry, V93A8P6 is invalid.
6. The Appellant Landlord shall pay the total sum of €2,160.00 to the Respondent Tenants within 28 days of the date of issue of this Determination Order, being damages for breach of landlord obligations under section 12(1) (a) and (b) of the Residential Tenancies Act 2004 for failure to allow the Tenants peaceful and exclusive occupation of the dwelling and to carry out to the interior of the dwelling all such repairs as were necessary from time to time, in respect of the tenancy of the dwelling at Kilcolman, Milltown, Killarney, Kerry, V93A8P6.

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