

## **Residential Tenancies Board**

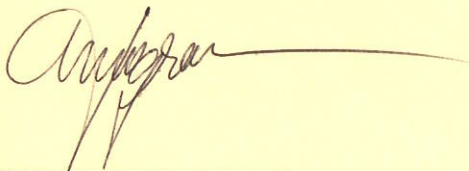
### **Determination Order**

**Ref: TR0324-007356/DR0623-86575**

In the matter of Daniel Cregg [Appellant Tenant] and Frank Kennedy [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 24 October 2022 served by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at Flat 4, 54 Edenvale Road, Ranelagh, D06C9F3, 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 Determination Order.
3. The Appellant Tenant shall also pay any further rent outstanding from 1 May 2024, being the date of the Tribunal hearing, at the rate of €135 per week or proportional part thereof at the rate of €19.23 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 Appellant Tenant vacates and give up possession of the above dwelling.
4. The Appellant Tenant shall pay the total sum of €1,000 to the Respondent Landlord in 10 equal consecutive instalments at the rate of €100 per calendar month, on the 28th day of each month, commencing the next month after the date of issue of this Determination Order. This sum represents damages of €1,000, for the consequences of overholding, and for the loss distress and inconvenience caused to the Respondent Landlord by said overholding.
5. The Respondent Landlord shall refund the entire of the security deposit of €400 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.
6. The enforcement of this Determination Order for such payment of €1,000 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenant to the Respondent Landlord on each due date until such time as the total sum of €1,000 has been paid in full.
7. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Respondent Landlord.

This Order was made by the Residential Tenancies Board on 12 June 2024.



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director