

Residential Tenancies Board

Determination Order

Ref: TR0419-003674/DR0119-51523

In the matter of Rory Keogh, Bernadette Keogh [Appellant Tenants] and Angela Scott [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The agreed rent increase applicable from 1 January 2018 in respect of the tenancy of the dwelling at 43 Moynihan Court, Main Street, Tallaght, Dublin 24, is invalid.
2. The Notice of Termination served on 31 July 2018 by the Respondent Landlord on the Appellant Tenants in respect of the tenancy of the dwelling at 43 Moynihan Court, Main Street, Tallaght, Dublin 24, is valid.
3. The Appellant Tenants, and all persons, residing in the dwelling at 43 Moynihan Court, Main Street, Tallaght, Dublin 24, shall vacate and give-up possession of the dwelling within a period of 38 days of the date of issue of this Order.
4. The Appellant Tenants shall pay the total sum of €1,514.18 to the Respondent Landlord, in seven equal consecutive instalments at the rate of €200 per month on the 28th day of each month, followed by one further instalment of €114.18 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears, less the amount of rent overpaid, in respect of the dwelling at 43 Moynihan Court, Main Street, Tallaght, Dublin 24.
5. The enforcement of the Order for such payment of €1,514.18 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenants to the Respondent Landlord on each due date until such time as the total sum of €1,514.18 has been paid in full.
6. 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.

7. The Appellant Tenant shall continue to pay rent at the rate of €700 per month or proportional part thereof at the rate of €23.01 per day, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof until such a time as the Appellant Tenants and all other persons vacate the dwelling at 43 Moynihan Court, Main Street, Tallaght, Dublin 24.
8. The Respondent Landlord shall refund the entire of the security deposit to the Appellant Tenants, upon the Appellant Tenants vacating and giving up vacant possession of the dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
9. The Notice of Termination served on 20 January 2019 by the Respondent Landlord on the Appellant Tenants in respect of the tenancy of the dwelling at 43 Moynihan Court, Main Street, Tallaght, Dublin 24, is invalid.

This Order was made by the Residential Tenancies Board on 29 July 2019.



Claire Diggin
Assistant Director
Duly authorised to sign on behalf of the Director

