

Residential Tenancies Board

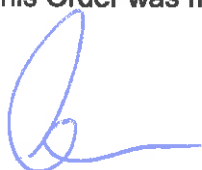
Determination Order

Ref: TR0518-002946/DR1117-38582

In the matter of John Briody [Appellant Tenant(s)] and David Bracken, Madeleine Bracken and Claire Bracken, in their capacity as personal representatives of the Estate of Paddy Bracken (deceased) [Respondent Landlord(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 10th November 2017 by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at Flat 4, 2 Richmond Row, Portobello, Dublin 8 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 Order
3. The Appellant Tenant shall pay the total sum of €9,606.22 to the Respondent Landlord within 42 days of the date of issue of this Order , being rent arrears in respect of the tenancy of the above dwelling;
4. The Respondent Tenant shall also pay any further rent outstanding from 22 August 2018 (date of hearing), at the rate of €700 per month, 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;
5. The Respondent Landlord shall refund the entire of the security deposit of €650.00 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.
6. The Appellant Tenant's application regarding the Respondent Landlords breach of obligations under the Act to allow him peaceful and exclusive occupation in respect of the tenancy of the above dwelling is not upheld.
7. The Appellant Tenant's application regarding the Respondent Landlords failure to communicate with him regarding the sale of the building in which the above dwelling is located is not upheld.

This Order was made by the Residential Tenancies Board on the 12 October 2018.



Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director