

Residential Tenancies Board


Determination Order

Ref: TR0623-006320/DR0922-80171

In the matter of Anthony Byrne [Appellant Tenant] and Derek Stacey [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 date of service of 24th November 2022, served by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at Kennycourt, Dunlavin, Co. Wicklow W91W2P8, is valid.
2. The Appellant Tenant and any other 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 failed in his obligations pursuant to section 16 (a)(i) of the Act to pay rent as it fell due and is in arrears of rent of €3,613.80 up to 20 March 2024.
4. The Respondent Landlord was in breach of his obligations pursuant to Section 12(1)(a) of the 2004 Act (as amended) requiring him to allow the Appellant Tenant to enjoy peaceful occupation of the dwelling. A sum of €500 is awarded to the Applicant Tenants in this regard.
5. The Appellant Tenant shall pay the sum of €3,113.80 to the Respondent Landlord, within 28 days of the date of issue of this Determination Order (being the sum of the damages awarded at 3 above less the sum awarded at 4 above).
6. The Appellant Tenant shall also pay any further rent outstanding from 20 March 2024, being the date of the Tribunal Hearing, at the rate of €1,100 per month or proportionate part thereof at the rate of €36.16 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Appellant Tenant and any other persons residing therein.
7. The Respondent Landlord shall refund the security deposit of €1,100 to the Appellant Tenant, on gaining vacant 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 3 July 2024.



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director