

Residential Tenancies Board

Determination Order

Ref: TR0719-003889/DR0419-53726

In the matter of Reynaldo Blanca and Viruly Avellanosa [Appellant Tenants] and Michael Whelan [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served by the Respondent Landlord on the Appellant Tenants on the 27th of March 2019 in respect of the tenancy of the dwelling at Flat 1, 32 Elgin Road, Ballsbridge, Dublin 4 is valid.
2. The Appellant Tenants 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 or on 10th January 2020 whichever is the later.
3. The Appellant Tenants shall pay rent from 11th September 2019, being the date of the Tribunal hearing, at the rate of €320 every two weeks or proportional part thereof at the rate of €22.86 per day, unless lawfully varied and any other charges as set out in the terms of the tenancy agreement for each two week period or part thereof, until such time as the Appellant Tenants vacate the above dwelling.
4. The Respondent Landlord shall refund the entire of the security deposit of €300 to the Appellant Tenants, upon the Appellant Tenants vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act;
5. The Respondent Landlord shall pay the total sum of €7,500 to the Appellant Tenants, within 28 days of the date of issue of this Order, being damages for breach of Respondent Landlord obligations under section 12(1)(b) of the Residential Tenancies Act 2004 for failure to carry out necessary repairs, in respect of the tenancy of the above dwelling.

This Order was made by the Residential Tenancies Board on 05 December 2019.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director