

## **Residential Tenancies Board**

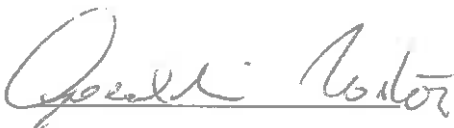
### **Determination Order**

**Ref: TR0719-003891/DR0419-53740**

In the matter of Laurence Byrne [Appellant Tenant] 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 Tenant on the 25th of March 2019 in respect of the tenancy of the dwelling at Flat 11, 34 Elgin Road, Ballsbridge, Dublin 4 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 or on 10 January 2020 whichever is the later.
3. The Appellant Tenant shall pay rent from 13 September 2019, being the date of the Tribunal hearing, to the Respondent Landlord at the rate of €130.00 per week or proportional rate thereof at the rate of €18.57 per day, unless lawfully varied, together with any other charges provided under the tenancy agreement, for each week or part thereof, until such time as he vacates the above dwelling.
4. The Respondent Landlord shall refund the entire of the security deposit of €300.00 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.
5. The Respondent Landlord shall pay the total sum of €7,500.00 to the Appellant Tenant, 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