

## **Residential Tenancies Board**

### **Determination Order**


**Ref: TR0723-006451/DR1022-80487**

In the matter of Madalina Mihai, John Kelly [Appellant Tenant(s)] and Doreen Agnew [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 with a date of service of 28 September 2022 served on behalf of the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at 8 Saint Annes, Kimmage, Dublin 12, D12 E3H6, is valid and the Appellant Tenant is overholding.
2. The Appellant Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 42 days of the date of issue of the Determination Order.
3. The Respondent Landlord shall refund the security deposit of €2,150 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.
4. The Appellant Tenant shall continue to pay any further rent outstanding to the Respondent Landlord from 19 October 2023, being the date of the Tribunal Hearing, at the rate of €2,150 per month, or proportionate part thereof at the rate of €70.68 per day (being €2,150 x 12 months / 365 days), 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 the above dwelling is vacated by the Appellant Tenant and any other persons residing therein

The Tribunal hereby notifies the Residential Tenancies Board of this Determination made on 19 October 2023

This Order was made by the Residential Tenancies Board on 05 December 2023.

  
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Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Board