

## Residential Tenancies Board

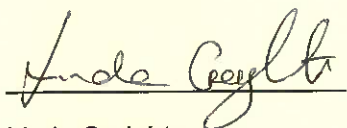
### Determination Order

**Ref: TR1021-005134/DR0821-72189**

In the matter of Barbara Whearty, John-Paul Whearty [Applicant Tenants] and Michael Gilhooly [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 30th August 2021 on the Applicant Tenants in respect of the tenancy of the dwelling at 1 Willow Terrace, Blackrock, Co. Dublin, A94V6X7 is valid.
2. The Applicant 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 the Order.
3. The Applicant Tenants shall pay the total sum of €16,550 to the Respondent Landlord, within 28 days of the date of issue of the Order, being rent arrears in respect of the tenancy of the above dwelling of €21,000, less the sum of €2,500 being damages for breach of Landlord obligations under Section 12(1) (b) and €1,950 due and owing by the Respondent Landlord to the Applicant Tenants in respect of utilities.
4. The Applicant Tenants shall also pay any further rent outstanding at the rate of €3,500 per month or proportionate part thereof at the rate of €115.07 per day (being €3,500 x 12 / 365) 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 they vacate the above dwelling.
5. The Respondent Landlord shall refund the entire of the security deposit of €3,500 to the Applicant Tenants, upon the Applicant Tenants vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

This Order is made by the Residential Tenancies Board on 9<sup>th</sup> March 2022.



Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Director

