

Residential Tenancies Board

Determination Order

Ref: TR1118-003378/DR0918-48069

In the matter of Mary O'Reilly [Appellant Landlord] and Rory Burke, Shonagh Sweeney [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 24 August 2018 by the Respondent Tenants on the Appellant Landlord in respect of the tenancy of the dwelling at 30 Royston, Kimmage Road, Dublin 12, has not been validly withdrawn and is therefore valid.
2. The Respondent Tenants, and all persons, residing in the dwelling at 30 Royston, Kimmage Road, Dublin 12, shall vacate and give-up possession of the dwelling within a period of 56 days of the date of issue of this Order.
3. The Respondent Tenants shall continue to pay rent at the rate of €1,225 per month or proportional part thereof at the rate of €40.27 per day, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof until such a time as the Respondent Tenants and all other persons vacate the dwelling at 30 Royston, Kimmage Road, Dublin 12.
4. The Appellant Landlord shall refund the entire of the security deposit of €1,200 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up vacant possession of the dwelling, less any amounts properly withheld in accordance with the provisions of the Residential Tenancies Act, 2004
5. The Respondent Tenants' application regarding the Appellant Landlord's alleged breach of her obligations under Section 12(1)(a) of the Residential Tenancies Act, 2004, in failing to allow the Respondent Tenants to enjoy peaceful and exclusive occupation of the dwelling at 30 Royston, Kimmage Road, Dublin 12, is not upheld.
6. The Respondent Tenants' application regarding the Appellant Landlord's alleged breach of her obligations under Section 12(1)(b) of the Residential Tenancies Act, 2004, in failing to maintain the dwelling at 30 Royston, Kimmage Road, Dublin 12 in accordance with the Residential Tenancies Act, 2004, is not upheld.

This Order was made by the Residential Tenancies Board on 15 March 2019.



Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director