

Residential Tenancies Board

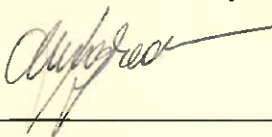
Determination Order

Ref: TR1222-005845/DR0822-79210

In the matter of Maria Ni Dhonnacha and Malachy Daly [Applicant Landlords] and Brenna Reilly and John Tobin [Respondent Tenants], 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 18 November 2022 served by the Applicant Landlords on the Respondent Tenants, in respect of the tenancy of the dwelling at Rossaveal Upper, Ballynahown, Co. Galway, H91 WP9C "the Dwelling") is valid.
2. The Respondent Tenants and any other persons residing in the Dwelling shall vacate and give up possession of the Dwelling within 28 days of the date of issue of this Determination Order.
3. The Notice of Rent Review dated the 25 July 2022 and served by the Applicant Landlords on the Respondent Tenants, in respect of the tenancy of the Dwelling is valid. The new rent is €1,800.00 per month effective from 01 November 2022.
4. The Respondent Tenants shall pay the total sum of €2,326.56 to the Applicant Landlords, by way of 3 consecutive instalments at the rate of €775.52 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €2,326.56 in respect of the tenancy of the Dwelling for the period from 01.11.22 to 07.03.23.
5. The Respondent Tenants shall continue to pay any further rent outstanding to the Applicant Landlords from 07 March 2023, being the date of the Tribunal, at the rate of €1,800.00 per month, or proportionate part thereof at the rate of €59.17 per day, 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 Dwelling is vacated by the Respondent Tenants and any other persons residing therein.
6. The enforcement of this Determination Order for such payment of €2,326.56 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Applicant Landlords, on each due date, until such time as the total sum of €2,326.56 has been paid in full.
7. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Applicant Landlords.
8. The Applicant Landlords shall refund the security deposit of €1,250.00 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up possession of the Dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
9. The Respondent Tenants claim for damages for breach of landlord's obligations pursuant to section 12 (1) (b) of the Act is not upheld.

This Order was made by the Residential Tenancies Board on 3 May 2023.



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director