

THE HIGH COURT

[2021] IEHC 185

[Record No. 2019/382 MCA]

BETWEEN

REYNALDO BLANCO AND VIRULYN AVELLANOSA

APPELLANTS

AND

THE RESIDENTIAL TENANCIES BOARD

RESPONDENT

AND

MICHAEL WHELAN

NOTICE PARTY

JUDGMENT of Mr. Justice Barr delivered electronically on the 12th day of March 2021

1. This is an appeal by the appellants against a Determination Order made by the respondent on 5th December, 2019, which was based on a report of the Tenancy Tribunal dated 1st October, 2019, which held that a notice of termination served by the notice party on the appellants on 27th March, 2019, was valid.
2. The present proceedings constitute an appeal brought by the appellants against the Determination Order pursuant to s.123 of the Residential Tenancies Act 2004 (as amended).
3. The original adjudication hearing, the hearing before the Tenancy Tribunal and the appeal to this Court, were all heard together with an appeal brought by another tenant, Ms. Aldona Stulpinaite. It was agreed that the position of the tenants in each case was absolutely identical, save that Ms. Stulpinaite was the tenant of Flat 8, 34 Elgin Road, Ballsbridge, Dublin 4, whereas the appellants herein are the tenants of Flat 1, 32 Elgin Road, Ballsbridge, Dublin 4. There were slightly different dates for the taking of some of the steps along the way and the Chairman of the Tenancy Tribunal was different in the two appeals, although the composition of the Tribunal was identical in each case; other than that there were no material differences between the appeals brought by Ms. Stulpinaite and the appellants in this case.
4. For the reasons set out in the judgment delivered in the proceedings *Stulpinaite v. Residential Tenancies Board* [Record No. 2019/383 MCA], the court is satisfied that a similar order must be made in this case. Accordingly, the court proposes to make an order refusing all of the reliefs sought by the appellants in their originating notice of motion.
5. The parties will have fourteen days from receipt of the judgment herein to make written submissions in relation to the terms of the final order and on any other ancillary matters that may arise.