

Private Residential Tenancies Board

Determination Order

Ref: DR1214-15640

In the matter of Gearoid Costelloe (acting in his capacity as receiver over certain assets of Richard Dineen), Richard Dineen (of whom certain assets are in receivership) [Applicant Landlord(s)] and John Kelly, Caroline Torpey [Respondent Tenant(s)] the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 03 October 2014 by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 36 Johnsgate Village, Limerick, is valid.
2. The Respondent Tenants, and all persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within seven days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €3,553.15 to the Applicant Landlord, in 11 consecutive monthly payments of €296, on the 28th day of each month, followed by one payment of €297.15 in the immediately succeeding month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €3,553.15, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €3,553.15 will be deferred and the sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €3,553.15 has been paid in full.
5. For the avoidance of doubt any default in the payment of a monthly instalment 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 Landlord.
6. The Respondent Tenants shall also pay any further rent outstanding from 09 February 2015 (date of hearing) at the rate of €550 per month, or proportional part thereof at the rate of €18.08, 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.
7. The Applicant Landlord shall refund the entire of the security deposit of €550, to the Respondent Tenants, on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

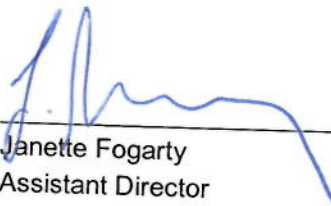
This Order was made by the Private Residential Tenancies Board on 31 March 2015.



Catriona Walsh

Chairperson

Duly authorised to sign on behalf of the Board



Janette Fogarty

Assistant Director

Duly authorised to sign on behalf of the Board