

## **Private Residential Tenancies Board**

### **Determination Order**

**Ref: DR1214-15725**

In the matter of Sova Limited [Applicant Landlord] and John McCarthy [Respondent Tenant] 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 the 26th day of November 2014 by an agent on behalf of the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at Apartment 92 The Strand, O'Callaghan Strand, Limerick, is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 7 days of the date of issue of this Order.
3. The Respondent Tenant shall pay rent arrears of €5,063.22 to the Applicant Landlord in 11 consecutive monthly payments of €422.00 on the 28th day of each month, followed by one payment of €421.22. The first monthly payment shall commence on the 28<sup>th</sup> day of the month immediately following the date of issue of this Order.
4. The enforcement of this Order for such payment of €5063.22 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 €5063.22 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 Tenant shall also pay any further rent outstanding from 9th February 2015 at the rate of €850 per month or proportional part thereof at the rate of €27.95 per day, unless lawfully varied, and any other charges set out in the terms of the tenancy agreement, for each month or part thereof until such time as he vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €900.00 to the Respondent Tenant, on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

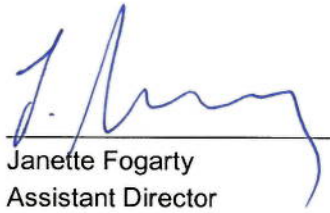
This Order was made by the Private Residential Tenancies Board on 17 April 2015.



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