

Private Residential Tenancies Board

Determination Order

Ref: DR1214-15731

In the matter of Sean Crilly [Applicant Landlord] and Garvan Dunford, Yeliz Genc, William Wheeler, Nicola Flaherty [Respondent Tenants] the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Respondent Tenant, Mr. William Wheeler, shall pay the total sum of €2,197.53 to the Applicant Landlord, in 10 consecutive monthly instalments at the monthly rate of €200, on the 28th day of each month, followed by one payment of €197.53 on the 28th day of the immediately succeeding month, commencing on the 28th day of the month immediately following the date of issue of this Order, being damages for damage caused to the dwelling in excess of normal wear and tear of €1,797.53, €200 for breach of the Letting Agreement in respect of having long stay guests, and €400 for breach of the fixed term clause of the Letting Agreement, having deducted the justifiably retained security deposit of €200, in respect of the tenancy of the dwelling 431 Alder Close, Elm Park, Castletroy, Limerick.
2. The enforcement of this Order for such payment of €2,197.53 will be deferred and the sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant, Mr. William Wheeler, to the Applicant Landlord on each due date until such time as the total sum of €2,197.53 has been paid in full.
3. For the avoidance of any 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.
4. The Respondent Tenant, Mr. Garvan Dunford, shall pay the total sum of €1,000 to the Applicant Landlord, in 5 consecutive monthly instalments at the monthly rate of €200 on the 28th day of each month, commencing on the 28th day of the month immediately following the date of issue of this Order, being non-transfer of rent in the amount of €600, €200 for breach of Section 16(a) of the 2004 Act and section 3.2 of the Letting Agreement in respect of same, and €400 for breach of the fixed term clause of the Letting Agreement, having deducted the justifiably retained security deposit of €200, in respect of the tenancy of the dwelling 431 Alder Close, Elm Park, Castletroy, Limerick.
5. The enforcement of this Order for such payment of €1,000 will be deferred and the sum owing will be reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant, Mr. Garvan Dunford, to the Applicant Landlord on each due date until such time as the total sum of €1,000 has been paid in full.

6. For the avoidance of any 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 instalment shall immediately become due and owing to the Applicant Landlord.
7. The Respondent Tenant, Ms. Yeliz Genc, shall pay the total sum of €200 to the Applicant Landlord within 28 days of the date of issue of this Order, being damages for breach of the fixed term clause of the Letting Agreement in the amount of €400 less the justifiably retained €200 deposit in respect of the tenancy of the dwelling 431 Alder Close, Elm Park, Castletroy, Limerick.

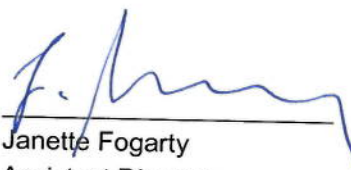
This Order was made by the Private Residential Tenancies Board on 27 May 2015.



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