

## **Private Residential Tenancies Board**

### **Determination Order**

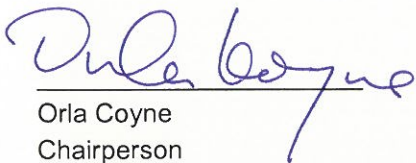
**Ref: DR0912-02693, DR0912-02739**

In the matter of Alicia Malone, James Whelan [Applicant/Respondent Tenant(s)] and Pierce Fagan [Respondent/Applicant Landlord] the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Respondent/Applicant Tenants' claim in respect of breach of landlord's obligations regarding standard and maintenance of the dwelling at 1 College Farm Street, Newbridge, Co. Kildare is abandoned.
2. The Notice of Termination served by the Applicant/Respondent Landlord on the Respondent/Applicant Tenants on the 30th August 2012, in respect of the tenancy of the above dwelling, is valid.
3. The Respondent/Applicant Tenants and all parties residing in the above dwelling shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Order.
4. The Respondent/Applicant Tenants shall pay the sum of €6,447.20 to the Applicant/Respondent Landlord in 10 consecutive monthly payments of €600 on the 1st day of each month followed by one payment of €447.20 in the immediately succeeding month commencing on the 1st day of the month immediately following the date of issue of this Order, being rent arrears in respect of the tenancy of the above dwelling.
5. The enforcement of this Order for such payment will be deferred and the sum owing reduced by the cumulative sum paid in the monthly instalments made to the Applicant Landlord on each due date until such time as the sum of €6,447.20 has been paid in full.
6. For the avoidance of doubt, any default in the payment of the monthly installments of €600.00 shall act to cancel any further deferral and the balance due at the date of default of the monthly payments shall immediately become due and owing to the Applicant Landlord.
7. The Respondent/Applicant Tenants shall continue to pay rent at the rate of €850 per month or proportional part thereof at a rate of €27.95 per day unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each day, until such time as they vacate the above dwelling.

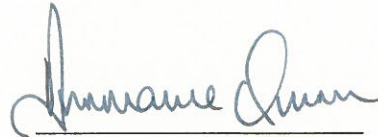
8. The Applicant/Respondent Landlord shall refund the entire of the security deposit of €900.00 on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Private Residential Tenancies Board on 05 February 2013.



Orla Coyne  
Chairperson

Duly authorised to sign on behalf of the Board



Annmarie Quinn  
Assistant Director

Duly authorised to sign on behalf of the Board

