

## Private Residential Tenancies Board

### Determination Order

**Ref: DR0116-23636**

In the matter of Mark De Guilio [Applicant Landlord] and James Lynch [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 9th day of December 2015 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 46 Pairc Bríd, Athy, County Kildare 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 28 days of the issue of this Order.
3. The Respondent Tenants shall pay the sum of €1014.30 to the Applicant Landlord in 10 consecutive monthly payments of €100 on the first day of each month followed by one payment of €14.30 on the first day of the immediately succeeding month commencing on the first day of the month immediately following the date of issue of the Order being rent arrears of €1014.30 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €1014.30 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlord on each due date until such time as the total sum of €1014.30 has been paid in full.
5. For the avoidance of doubt any default in the payment of any of the monthly instalments 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 pay any further rent outstanding from the 2nd February 2015 at the rate of €550 per month or proportionate part thereof at the rate of €18.08 per day 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 upon the Respondent Tenants vacating and giving up 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 11 March 2016.



Tim Ryan

Board Member

Duly authorised to sign on behalf of the Board



Janette Fogarty

Assistant Director

Duly authorised to sign on behalf of the Board