

Residential Tenancies Board

Determination Order

Ref: DR0216-24314

In the matter of Michael Fitzgerald [Applicant Landlord] and Edwina Mellay [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

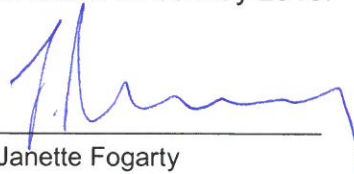
1. The Notice of Termination served on 19 January 2016 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at No 7 Slievekeale Road, Waterford is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 42 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €1,623 to the Applicant Landlord, in 12 consecutive monthly payments of €135.25, 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 rent arrears of €1,923 and damages of €100 for failing to pay rent when it fell due having deducted damages of €400 for breach of obligations on the part of the applicant in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €1,623 will be deferred and the total 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 €1,623 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 Tenant shall also pay any further rent outstanding from 29 March 2016, at the rate of €487 per month or proportionate part thereof at the rate of €16.01 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 she vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €450 to the Respondent Tenant, upon the Respondent Tenant 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 Residential Tenancies Board on 03 May 2016.



Noel Conroy
Board Member

Duly authorised to sign on behalf of the Board



Janette Fogarty
Assistant Director

Duly authorised to sign on behalf of the Board