

Residential Tenancies Board


Determination Order

Ref: DR0216-24394

In the matter of Petrina Concannon [Applicant Landlord] and Justin Cosgrove [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 20th October 2015 served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 70 The Cloisters, Harolds Cross, Dublin 6, is invalid.
2. The Respondent Tenant shall pay the total sum of €4,205.00 to the Applicant Landlord, in seven consecutive monthly payments of €525.62, on the 28th day of each month, followed by one payment of €525.66 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 rent arrears of €3,825.00 and damages of €380.00 for the consequences of the Respondent Tenant's breach of Section 16(a)(i) of the 2004 Act, in respect of the tenancy of the above dwelling.
3. The enforcement of this Order for such payment of €4,205.00 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 €4,205.00 has been paid in full.
4. 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.
5. The Respondent Tenant shall also pay any further rent outstanding from 10th March 2016 to the Applicant Landlord at the rate of €425.00 per month, 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 he vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 15 April 2016.



Noel Conroy
Board Member

Duly authorised to sign on behalf of the Board



Claire Diggin
Higher Executive Officer

Duly authorised to sign on behalf of the Board