

Residential Tenancies Board

Determination Order

Ref: DR0516-26481

In the matter of European Property Fund Plc [Applicant Landlord] and James Macharia [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

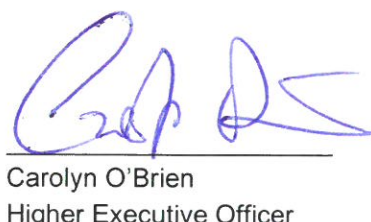
1. The Notice of Termination served on the 21 January 2016 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 36 The Plaza, Tyrrelstown Town Centre, Dublin is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 77 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €2,400 to the Applicant Landlord, in 10 equal consecutive instalments at the rate of €240 per week, Commencing on the first Friday after the issue of this order. This sum represents rent arrears of €2400.
4. The Respondent Tenant shall also pay any further rent outstanding from the 13 June 2016, at the rate of €1,200 per month or proportionate part thereof at the rate of €39.45 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 he vacates the above dwelling.
5. The enforcement of this Order for such payment of €2,400 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 €2,400 has been paid in full.
6. 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.
7. The Applicant Landlord shall refund the entire of the security deposit of €950 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 12 August 2016.



Tim Ryan
Board Member

Duly authorised to sign on behalf of the Board



Carolyn O'Brien
Higher Executive Officer

Duly authorised to sign on behalf of the Board