

Residential Tenancies Board

Determination Order

Ref: DR0616-27140

In the matter of Targeted Investment Opportunities ICAV [Applicant Landlord] and Fatima Phiri, Innocent Phiri [Respondent Tenants] 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 11th May 2016 by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 106A Church Road, East Wall, Dublin 3 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 date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €2,610.49 to the Applicant Landlord, in 2 equal consecutive instalments at the rate of €1,000 per calendar month, on the 28th day of each month, followed by one further instalment of €610.49 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €2,610.49, in respect of the tenancy of the above dwelling.
4. The Respondent Tenants shall also pay any further rent outstanding from the 8th July 2016, at the rate of €800.00 per month or proportionate part thereof at the rate of €26.30 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.
5. The enforcement of this Order for such payment of €2,610.40 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 €2,610.40 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 €800 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 Residential Tenancies Board on 02 September 2016.



Tim Ryan
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