

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0816-28609**

In the matter of Michelle Feeney [Applicant Landlord] and Winnie Collins, Edward Collins [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 12th August, 2016 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 103 Palmerstown Woods, Clondalkin, Dublin 22, D22V527, is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling on or before the expiry of the notice of termination, that is, on or before 28th January 2017.
3. The Respondent Tenants shall pay the total sum of €746.50 to the Applicant Landlord, in 3 equal consecutive installments at the rate of €200 per calendar month, on the 28th day of each month, followed by one further installment of €146.50 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €746.50 in respect of the tenancy of the above dwelling;
4. The Respondent Tenants shall also pay any further rent outstanding from the 07th November, 2016, at the rate of €939 per month or proportionate part thereof at the rate of €30.87 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 €746.50 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 €746.50 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 €750 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.

8. The Applicant Landlord's application, regarding breach of tenant obligations under the Act in respect of damage in excess of normal wear and tear and failure to allow a plumber access to the Rented Dwelling, in respect of the tenancy of the above dwelling is not upheld.

This Order was made by the Residential Tenancies Board on 06 January 2017.



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