

## **Private Residential Tenancies Board**

### **Determination Order**

**Ref: TR0415-001111/DR0115-16341**

In the matter of Michael Fagan [Appellant Tenant], and Kieran Wallace (Receiver over certain assets of Warnock Brothers Construction Limited) [Respondent] and Warnock Brothers Construction Limited [Landlord], the Private Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 16 December 2014 on the Appellant Tenant by the Respondent Landlord in respect of the tenancy at the dwelling known as 33 The Meadows, Clonsilla, Dublin 15, is valid.
2. The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 7 days of the date of issue of the order.
3. The Appellant Tenant shall pay the total sum of €18,839.73 to the Respondent Landlord in 8 consecutive monthly payments of €2,500 on the 28th day of each month, followed by one payment of €1,339.73, 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 €18,839.73. In respect of the tenancy of the above dwelling.
4. The enforcement of the order for such payment of €18,839.73 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenant to the Respondent Landlord on each due date together with the final payment of €1,339.73 until such time as the sum of €18,839.73 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments of €2,500 shall act to cancel any further deferral and the balance due at the date of the default of any such monthly payment shall become immediately due and owing to the Respondent Landlord.
6. The Appellant Tenant shall continue to pay rent from 6 August 2015 being the date of the Tribunal hearing at the monthly rate of €850.00 per month or proportionate part thereof at the rate of €27.94 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.

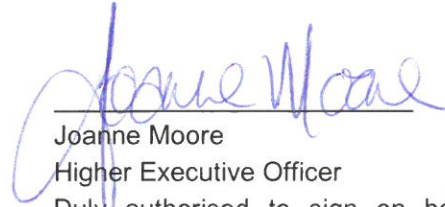
This Order was made by the Private Residential Tenancies Board on 18 September 2015.



Noel Conroy

Board Member

Duly authorised to sign on behalf of the Board



Joanne Moore

Higher Executive Officer

Duly authorised to sign on behalf of the Board