

Residential Tenancies Board

Determination Order

Ref: DR0118-39910

In the matter of Kieran Wallace (Receiver over Certain Assets of Kieran Ford) [Applicant Landlord] and Elaine Shanahan, Michael Killeen [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 21 April 2017 served by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at Tarmon, Gort, Co. Galway, H91HVK4, 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 twenty-eight days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €3,943.88 to the Applicant, in seven consecutive monthly payments of €492.98, on the 28th day of each month, followed by one payment of €493.02 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 €3,943.88, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €3,943.88 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 on each due date until such time as the total sum of €3,943.88 has been paid in full.
5. 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.
6. The Respondent Tenants shall also pay to the Applicant any further rent outstanding from 05 February 2018, being the date of the Adjudication hearing, at the rate of €500.00 per month or proportional part thereof at the rate of €16.44 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 the Respondent Tenants vacate the above dwelling.

7. The Applicant shall refund the entire of the security deposit of €1,000.00 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 05 June 2018.



Justin O'Brien
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