

Residential Tenancies Board

Determination Order

Ref: DR0118-40164

In the matter of Anthony Earley [Applicant Landlord] and Ciaran Wilmot [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 09 November 2017, on behalf of the Applicant Landlord, on the Respondent Tenant, in respect of the tenancy of the dwelling at 2 Kilmalogue Cottages, Tullamore Road, Portarlington, Co. Offaly, is valid.
2. The Respondent Tenant and any persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the issue of this Order.
3. The Respondent Tenant shall pay the total sum of €2,891.16 to the Applicant Landlord, in 10 consecutive monthly payments of €280.00 on the 28th day of each month, followed by one payment of €91.16 in the immediately succeeding month, commencing the next month after the issue of this Order, being rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €2,891.16 shall 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 €2,891.16 has been paid in full.
5. For the avoidance of doubt, any default in the payment 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.
6. The Respondent Tenant shall pay any rent outstanding from 05 February 2018, at the rate of €750.00 per month and/or €24.66 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month/day or part thereof, until such time as he vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €750.00 to the Respondent Tenant, on gaining vacant 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 16 March 2018.



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