

Residential Tenancies Board

Determination Order

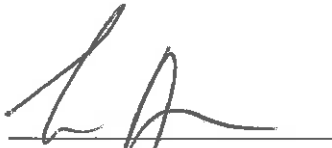
Ref: DR0118-40646

In the matter of Thomas Ryan, Joseph Kearney, John McEneaney, Fergus McArdle [Applicant Landlords] and David Smyth [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination grounded on arrears of rent, and served by the Applicant Landlords on 10 August 2017 upon the Respondent Tenant in respect of the tenancy of the dwelling at 15 Blackhall Court, Blackhall Place, Dublin 7 is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €3,840.00 to the Applicant Landlords, in 6 equal consecutive instalments at the rate of €600.00 per calendar month on the 28th day of each month, followed by one further instalment of €240.00 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €3,840.00 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 Landlords on each due date until such time as the total sum of €3,840.00 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 Landlords.
6. The Respondent Tenant shall also pay any further rent outstanding from 01 March 2018, at the rate of €889.40 per month or proportional part thereof at the rate of €29.24 per day 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 Tenant vacates the above dwelling.
7. The Applicant Tenant's application, regarding antisocial behaviour, in respect of the tenancy of above dwelling is not upheld.

8. The Notice of Termination grounded on antisocial behaviour, and served by the Applicant Landlords on 10 August 2017 upon the Respondent Tenant in respect of the tenancy of the dwelling at 15 Blackhall Court, Blackhall Place, Dublin 7 is invalid.

This Order was made by the Residential Tenancies Board on 29 May 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