

Residential Tenancies Board

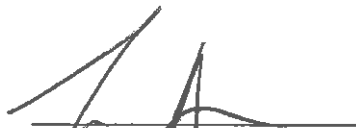
Determination Order

Ref: DR0218-40747

In the matter of Niall O'Flaherty [Applicant Landlord] and Alan Conlon, Julie Conlon [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 24 November 2017 served by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 35 Tallansfield Manor, Tallanstown, Co. Louth, A91W670, is invalid.
2. The Notice of Termination dated 30 December 2017 served by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the above dwelling is valid.
3. 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.
4. The Respondent Tenants shall pay the total sum of €3,410.10 to the Applicant Landlord, in six consecutive monthly payments of €568.35, on the 28th day of each month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €3,110.10 and damages of €300.00 for the consequences of the Respondent Tenants breach of Section 16(a)(i) of the 2004 Act, in respect of the tenancy of the above dwelling.
5. The enforcement of this Order for such payment of €3,410.10 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 €3,410.10 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 Respondent Tenants shall also pay any further rent outstanding from 27 March 2018, being the date of the Adjudication hearing, at the rate of €800.00 per month or proportional part thereof at the rate of €26.30 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.

This Order was made by the Residential Tenancies Board on 11 May 2018.

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Tim Ryan
Board Member

Duly authorised to sign on behalf of the Board

A handwritten signature in black ink, featuring a large, stylized 'C' followed by several loops and a long horizontal stroke.

Claire Diggin
Higher Executive Officer

Duly authorised to sign on behalf of the Board