

Residential Tenancies Board

Determination Order

Ref: DR0218-41607

In the matter of Tom O'Brien (Receiver over certain assets of The St. Munchin House Partnership) [Applicant Landlord(s)] and Noreen Brady [Respondent Tenant(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 12 day of December 2017 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 4 Riverpoint, Bishops Quay, Limerick City, is valid.
2. The Respondent Tenant and any other person residing in the above dwelling should vacate and give up possession of the above dwelling within fourteen days of the date of issue of this Order.
3. The Respondent Tenant shall pay any further rent at the current rate of €725.00 per monthly rental period or proportional part thereof at the rate of €23.83 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 dwelling is vacated.
4. The Respondent Tenant shall pay the total sum of €10,392.24 to the applicant Landlord, in 9 equal instalments at the rate of €1,100.00 per month, on the 16th day of each month which will then be followed by one further instalment of €492.24 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €10,092.24 together with the sum of €300.00 awarded in respect of damages.
5. The enforcement of this Order for such payment will be deferred and the total sum owing will be reduced by the number of monthly instalments of €1,100.00 or €492.24 with respect to the tenth and final instalment made to the Applicant Landlord on each due date until the sum of €10,392.24 has been paid in full;
6. For the avoidance of doubt any default in the payment of the monthly instalments of €1,100.00 or €492.24 with respect to the tenth and final instalment shall act to cancel any further deferral and the balance due at the date of default shall immediately become due and owing to the Applicant Landlord.
7. The Applicant Landlord shall refund the entire of the security deposit of €725.00 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up 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 03 July 2018.

A handwritten signature in black ink, appearing to read "Justin O'Brien", written over a horizontal line.

Justin O'Brien

Board Member

Duly authorised to sign on behalf of the Board

A handwritten signature in blue ink, appearing to read "Claire Diggin", written over a horizontal line.

Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Board