

Residential Tenancies Board

Determination Order

Ref: DR0318-41783

In the matter of Mark Stynes [Applicant Landlord] and Victor Ajayi [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 16 November 2017, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 40 Shangan Hall, Ballymun, Dublin 11, is valid.
2. The Respondent Tenant, and any other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €14,142.00 to the Applicant Landlord, in 7 consecutive monthly installments at the rate of €2,000.00 per month, on the 28th day of each month, followed by one further installment of €142.00 on the 28th day of the 8th month, payment commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 20 April 2018, being the date of the Adjudication hearing, to the Applicant Landlord, at the rate of €900.00 per month or proportional part thereof at the rate of €29.59 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 Tenant vacates the above dwelling.
5. The enforcement of this Order for such payment of €14,142.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €14,142.00 has been paid in full.
6. For the avoidance of doubt, any default in the payment of any of the monthly installments 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 Applicant Landlord shall refund the entire of the security deposit of €500.00 to the Respondent Tenant, upon the Respondent Tenant 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