

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0318-42358**

In the matter of Tom O'Brien (Receiver Over Certain Assets of Charles O'Neill & Rosaleen O'Neill) [Applicant Landlord] and Stephen Marean [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 20 February 2018, by the Applicant Receiver on the Respondent Tenant, in respect of the tenancy of the dwelling at 12 Kindlestown Lower, Greystones, Co. Wicklow, 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 €4,581.07 to the Applicant Receiver by way of 5 consecutive monthly instalments at the rate of €900.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €81.07 to be paid on or before the 28th day of the 6th month, payment commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €4,581.07 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €4,581.07 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 Receiver, on each due date, until such time as the total sum of €4,581.07 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 Receiver.
6. The Respondent Tenant shall also pay to the Applicant Receiver any further rent outstanding from 23 April 2018, being the date of the Adjudication Hearing, at the rate of €950.00 per month or proportional part thereof at the rate of €31.23 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.

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