

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0418-42850**

In the matter of Peter Kavanagh, Marian Kavanagh [Applicant Landlord(s)] and James Jimson, Annamma Thettayil George [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 with a service date of 23 September 2017, and served by the Applicant Landlords upon the Respondent Tenants in respect of the tenancy of the dwelling at 17 Dun Emer Avenue, Lusk, Co. Dublin is valid.
2. The Respondent Tenants 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 Tenants shall pay the total sum of €8,129.00 to the Applicant Landlords in 10 equal consecutive instalments at the rate of €800.00 per calendar month on the 28th day of each month, followed by one further instalment of €129.00 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €9,029.00 having deducted €900.00 for permitted repairs and replacements in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €8,129.00 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 Landlords on each due date until such time as the total sum of €8,129.00 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.
4. The Respondent Tenants shall also pay any further rent outstanding from 27 May 2018 at the rate of €1,025.00 per month or proportionate part thereof at the rate of €33.70 per day until such time as they vacate and give up possession of the above dwelling.
6. The Applicant Landlords shall refund the entire of the security deposit of €1,025.00 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up vacant

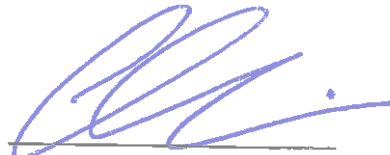
possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on 03 July 2018.



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