

Residential Tenancies Board

Determination Order

Ref: DR0418-43363

In the matter of Michael O'Mahony [Applicant Landlord] and Patricia Jacel [Respondent Tenant] 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 28th March 2018, and served by the Applicant Landlord upon the Respondent Tenant in respect of the tenancy of the dwelling at 24 Seafield Court, Seafield Road, Killiney, County Dublin, 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 7 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €10,650.80 to the Applicant Landlord, in 10 consecutive monthly instalments at the rate of €1,000 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €650.80 to be paid on or before the 28th day of the 11th month, payment commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €9,900.80 in addition to damages of €750 for failing to pay rent as it falls due in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €10,650.80 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 €10,650.80 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 Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from 22nd June 2018, being the date of the adjudication hearing, at the rate of €1,250 per month or proportionate part thereof at the rate of €41.10 per day, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as she vacates and give up possession of the above dwelling.

This Order was made by the Residential Tenancies Board on 16 August 2018.



Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Director