

Residential Tenancies Board

Determination Order

Ref: DR0518-44075, DR0518-44227

In the matter of Parthia Property Company [Applicant/Respondent Landlord] and Jack Monaghan, Adam Dolan [Respondent/Applicant Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 23rd April 2018 served by the Applicant/Respondent Landlord on the Respondent/Applicant Tenants in respect of the tenancy of the dwelling at 14 Moneenageisha Court, Moneenageisha Road, Wellpark, Co. Galway, is valid.
2. The Notice of Termination dated 24th May 2018 served by the Applicant/Respondent Landlord on the Respondent/Applicant Tenants in respect of the tenancy of the above dwelling is invalid.
3. Mr. Jack Monaghan (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.
4. The Respondent/Applicant Tenants shall pay the total sum of €2,362.01 to the Applicant/Respondent Landlord, in three consecutive monthly payments of €590.50, on or before the 28th day of each month, followed by one payment of €590.51 on or before the 28th day of the fourth month, commencing on the 28th day of the month immediately following the month of issue of this Order. This sum of €2,362.01 being rent arrears in respect of the tenancy of the above dwelling.
5. The enforcement of this Order for such payment of €2,362.01 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments by the Respondent/Applicant Tenants to the Applicant/Respondent Landlord, on each due date, until such time as the total sum of €2,362.01 has been paid in full.
6. 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/Respondent Landlord.
7. Mr. Jack Monaghan (Respondent/Applicant Tenant) shall also pay any further rent outstanding from 13th June 2018, being the date of the Adjudication hearing, at the rate of €1,006.71 per month or proportional part thereof at the rate of €33.10 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 he, and any other person/s residing in the dwelling, vacates and gives up possession of the dwelling.

8. The Applicant/Respondent Landlord shall refund the entire of the security deposit of €900.00 to the Respondent/Applicant Tenants, upon Mr. Jack Monaghan (Respondent/Applicant Tenant) and any other person/s residing in the above dwelling vacating and giving up possession of the dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

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