

Residential Tenancies Board

Determination Order

Ref: DR0917-37494

In the matter of Aisling Waymark [Applicant Tenant] and Amanda Cox Norris [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 17 October 2017 by the Respondent Landlord on the Applicant Tenant, in respect of the tenancy of the dwelling at Apartment 4, Fairgreen Apartments, Fairgreen, Kilmacthomas, Co Waterford, is valid.
2. The Applicant 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 Applicant Tenant shall pay the total sum of €1,765.74 to the Respondent Landlord in 5 consecutive monthly instalments at the rate of €300.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €265.74 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 €1,765.74 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €1,765.74 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments by the Applicant/Respondent Tenant to the Respondent Landlord, on each due date, until such time as the total sum of €1,765.74 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 Respondent Landlord.
6. The Applicant Tenant shall also pay any further rent outstanding from 14 December 2017, being the date of the Adjudication Hearing, at the rate of €100.00 per week or proportional part thereof at the rate of €14.29 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each week or part thereof, until such time as she vacates the above dwelling.

7. The Respondent Landlord shall refund the entire of the security deposit of €250.00 to the Applicant Tenant, upon the Applicant 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 06 February 2018.

A handwritten signature in black ink, appearing to be 'Tim Ryan', written over a horizontal line.

Tim Ryan
Board Member

Duly authorised to sign on behalf of the Board

A handwritten signature in black ink, appearing to be 'Claire Diggin', written over a horizontal line.

Claire Diggin
Higher Executive Officer

Duly authorised to sign on behalf of the Board