

Residential Tenancies Board

Determination Order

Ref: DR1017-38319

In the matter of Clive Armour [Applicant Landlord] and Michelle Clarke [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 14 September 2017 served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 13 Allendale, Buncrana, Co. Donegal, F93DF82 is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within twenty-eight days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €5,235.70 to the Applicant Landlord, in ten consecutive monthly payments of €475.97, on the 28th day of each month, followed by one payment of €476.00 on the 28th day of the immediately succeeding month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €4,765.70 and damages of €470.00 for the consequences of the Respondent Tenant's breach of Section 16(a)(i) of the 2004 Act, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €5,235.70 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €5,235.70 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 06 March 2018, being the date of the Adjudication hearing, at the rate of €120.00 per week or proportional part thereof at the rate of €17.14 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 the Respondent Tenant vacate the above dwelling.

7. The Applicant Landlord shall refund the entire of the security deposit of €400.00 to the Respondent Tenant, upon the Respondent 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 13 April 2018.



Tim Ryan

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