

## **Residential Tenancies Board**

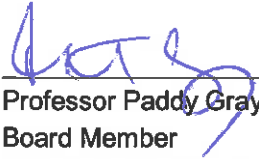
### **Determination Order**

**Ref: DR1117-38505**

In the matter of John Carney [Applicant Landlord] and Remigiusz Winiarski, Anita Winiarska [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 19 October 2017 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 23A Annamoe Terrace, Cabra, Dublin 17 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 21 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €3,492.00 to the Applicant Landlord, in 6 equal consecutive installments at the rate of €500.00 per calendar month, on the 28th day of each month, followed by one further installment of €492.00 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €3,492.00.
4. The Respondent Tenant shall also pay any further rent outstanding from 04 December 2017, at the rate of €1,358.50 per month or proportionate part thereof at the rate of €44.66 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 vacates the above dwelling.
5. The enforcement of this Order for such payment of €3,492.00 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 €3,492.00 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 Landlord.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,150.00 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 06 March 2018.



Handwritten signature of Professor Paddy Gray in blue ink, positioned above a horizontal line.

Professor Paddy Gray

Board Member

Duly authorised to sign on behalf of the Board



Handwritten signature of Claire Diggin in blue ink, positioned above a horizontal line.

Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Board