

Residential Tenancies Board

Determination Order

Ref: DR1117-38844

In the matter of Donal Barry [Applicant Landlord] and Elzbieta Zapala, Magdalena Zapala [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 12 October 2017 by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 25 Kingsbridge, South Douglas Road, Cork City, is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €3,507.72 to the Applicant Landlord in 4 equal consecutive instalments at the rate of €800.00 per calendar month on the 28th day of each month, followed by one further instalment of €307.72 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €3,507.72 in respect of the tenancy of the above dwelling.
4. The Respondent Tenants shall also pay any further rent outstanding from 18 December 2017, being the date of the Adjudication Hearing, at the rate of €1,075.00 per month or proportional part thereof at the rate of €35.34 per day and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as the Respondent Tenants vacate the above dwelling.
5. The enforcement of the Order for such payment of €3,507.72 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlord on the due date.
6. For the avoidance of doubt, any default in the payment of the monthly instalments of €800.00 shall act to cancel any further deferral and the balance due at the date of default shall immediately become due and owing to the Applicant Landlord.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,075.00 to the Respondent Tenants, on gaining vacant 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 30 January 2018.

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Tim Ryan

Board Member

Duly authorised to sign on behalf of the Board

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Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Board