

Residential Tenancies Board

Determination Order

Ref: DR1117-39126

In the matter of David Macauley [Applicant Landlord] and Denise Kelly [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 07 April 2017, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 23 Long's Place Dublin 8, is valid.
2. The Respondent Tenant, and any other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €12,244.64 to the Applicant Landlord, in 12 consecutive monthly instalments at the rate of €1,000.00 per month, on the 1st day of each month, followed by one further instalment of €244.64 on the 1st day of the 13th month, payment commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €12,244.64 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €12,244.64 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €12,244.64 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 05 April 2018, being the date of the hearing, to the Applicant Landlord, at the rate of €1,100.00 per month or proportionate part thereof at the rate of €36.16 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 she vacates the above dwelling.

7. The Applicant Landlord shall refund the entire of the security deposit of €1,200.00 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 25 May 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