

Residential Tenancies Board

Determination Order

Ref: DR1117-39192

In the matter of Daniel Boeving [Applicant Tenant] and Gerald Magee [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 November 2017, by the Respondent Landlord, on the Applicant Tenant, in respect of the tenancy of the dwelling at 38 Clarinda Park West, Flat 1a, Dun Laoighaire, Co. Dublin, is valid.
2. The Applicant Tenant and any persons residing in the above dwelling shall vacate and give up vacant possession of the above dwelling within 14 days of the issue of this Determination Order.
3. The Applicant Tenant shall pay the sum of €18,660.00 to the Respondent Landlord, in 37 consecutive monthly payments of €500, on the 28th day of each month, followed by one payment of €160 in the immediately succeeding month, commencing the next month after the issue of the Determination Order, being rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment shall be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Applicant Tenant to the Respondent Landlord on each due date until the sum of €18,660.00 has been paid in full.
5. For the avoidance of doubt any default in the payment 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 pay any rent outstanding from 10 February 2018, at the rate of €120.00 per week and/or €17.14 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each week/day or part thereof, until such time as he vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 03 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