

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1217-39653**

In the matter of Brian McEnery Receiver over certain assets of Patricia Long [Applicant Landlord] and Jennifer Allan, John Allan [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a stated date of service as 03 April 2017 served, by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 2 Kielbrook Terrace, Townshend Street, Skibbereen, Cork is valid.
2. The Respondent Tenants and all persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 56 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €1,446.06 to the Applicant Landlord, in 9 consecutive monthly payments of €150.00, on the 28th day of each month, followed by one further payment of €96.06 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 €1,446.06 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €1,446.06 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlord on each due date until such time as the total sum of €1,446.06 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any 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 Tenants shall pay any further rent outstanding to the Applicant Landlord from 07 February 2018, being the date of the Adjudication hearing, at the rate of €200.00 per month or proportionate part thereof at the rate of €6.58 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 the above dwelling is vacated by the Respondent Tenants and all persons residing therein.

This Order was made by the Residential Tenancies Board on 29 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