

Residential Tenancies Board

Determination Order

Ref: DR1217-39673

In the matter of Sarah Buckley [Applicant Tenant] and Marcus Purcell (Receiver over the certain assets of Liam (Otherwise William James) O'Brien) [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 by the Respondent Landlord on 15 December 2017 on the Applicant Tenant in respect of the tenancy of the dwelling at 8 Corban's Mill, Millbrook, Naas, Co Kildare is valid.
2. The Applicant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling on 30 June 2018 or within 28 days of the date of issue of this Order (whichever is the later).
3. The Applicant Tenant shall pay the total sum of €6,832.62 to the Respondent Landlord in 6 equal consecutive instalments at the rate of €1,000.00 per calendar month on the 1st day of each month followed by one further instalment of €832.62 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €6,832.62 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €6,832.62 will 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 such time as the total sum of €6,832.62 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 Respondent Landlord.
6. The Applicant Tenant shall also pay any further rent outstanding from 01 February 2018 being the date of the adjudication hearing at the rate of €900.00 per month or proportionate part thereof at the rate of €29.59 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 tenant vacates the above dwelling.

7. The Respondent Landlord shall refund the entire of the security deposit of €900.00 to the Applicant Tenant upon the Applicant Tenant vacating and giving up 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 01 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