

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1217-39832**

In the matter of Ken Fennell receiver over certain assets of Patrick Rocca Deceased [Applicant Landlord(s)] and Fiona Gallagher [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 09 February 2017 served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Carrowhubbock Bungalow, Enniscrone, Co. Sligo is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within twenty-eight days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €6,184.10 to the Applicant Landlord, in ten consecutive monthly payments of €618.41, on the 28th day of each month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €6,184.10, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €6,184.10 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €6,184.10 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 17 May 2018, being the date of the Adjudication hearing, at the rate of €400.00 per month or proportional part thereof at the rate of €13.15 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 Respondent Tenant vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 03 July 2018.



Justin O'Brien

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