

## **Residential Tenancies Board**

### **Determination Order**

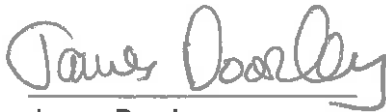
**Ref: DR0617-34853**

In the matter of Stephen Tennant (Reciever over certain assets of Thomas Fahy, Philomena Fahy) [Applicant Landlord] and Kathleen Sweeney [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 the 28 April 2017, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 35 Woodfield, Galway Road, Tuam, Co. Galway, 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 fourteen days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €8,468.14 to the Applicant Landlord, by way of 10 consecutive monthly instalments at the rate of €800.00 per month, payable on the 1st day of each month, followed by one further instalment of €468.14 payable on the 1st day of the 11th month, payment commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €8,268.14 together with the sum of €200.00 awarded in respect of damages.
4. The enforcement of this Order for such payment of €8,468.14 will be deferred and the total sum owing will be reduced by the number of monthly instalments of €800.00, or €468.14 with respect to the eleventh and final instalment, paid by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the sum of €8,468.14 has been paid in full.
5. For the avoidance of doubt, any default in the payment of the monthly instalments of €800.00, or €468.14 with respect to the eleventh and final instalment, shall act to cancel any further deferral and the balance due at the date of default shall immediately become due and owing to the Applicant Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from 18 April 2018, the date of the adjudication hearing, to the Applicant Landlord, at the rate of €433.00 per month or proportional part thereof at the rate of €14.23 per day, and any other charges provided for under the terms of the tenancy agreement for each month or part thereof, until such time as she vacates the dwelling.

7. The Applicant Landlord shall refund the entire of the security deposit of €520.00 to the Respondent Tenant, upon the Respondent 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 22 June 2018.



James Doorley

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