

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0119-51083**

In the matter of KW PRS ICAV (Acting for and on behalf of its sub-fund KW PRS Fund 8) [Applicant Landlord] and Ashish Saxena [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 by the Applicant Landlord on the 16th November 2018 on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 101, Block D, North Bank, Castleforbes Road, Dublin 1 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 28 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €4,807.00 to the Applicant Landlord, in 4 equal consecutive installments at the rate of €1,000.00 per calendar month, on the 28th day of each month, followed by one further installment of €807.00 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €4,807.00 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 €4,807.00 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 31st January 2019, being the date of the Adjudication hearing, at the rate of €1,219.00 per month or proportional part thereof at the rate of €40.08 per day 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 vacate the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,100.00 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 04 April 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director