

Residential Tenancies Board

Determination Order

Ref: DR0119-51486, DR0119-51288

In the matter of Christopher Hegarty and Claire Caulfield [Applicant/Respondent Tenants] and Malachy Croffy [Respondent/Applicant Landlord] 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 18th day of December 2018 by the Respondent/Applicant Landlord on the Applicant/Respondent Tenants in respect of the tenancy of the dwelling at dwelling at 12 Brewery Yard, Main Street, Ballinasloe, Co. Galway is valid.
2. The Applicant/Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 21 days of the date of issue of this Order.
3. The Applicant/Respondent Tenants shall pay the total sum of €4,228.60 to the Respondent/Applicant Landlord, in 8 equal instalments at the rate of €500 per calendar month, on the 1st of each month, followed by one further instalment of €228.60 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €4,028.60 together with the sum of €200 awarded in respect of damages as a result of the Applicant/Respondent Tenants' failure to comply with their legal obligations to discharge rent in accordance with Section 16 of the Act or vacate the dwelling after the issue of a valid Notice of Termination.
4. The enforcement of this Order for such payment of €4,228.60 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Applicant/Respondent Tenants to the Respondent/Applicant Landlord on each due date until such time as the total sum of €4,228.60 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/Applicant Landlord.
6. The Respondent/Applicant Landlord's application, regarding the Applicant/Respondent Tenants' breach of their obligations under the tenancy agreement by having a dog at the rented property is not upheld.

This Order was made by the Residential Tenancies Board on 25 April 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director