

Residential Tenancies Board

Determination Order

Ref: DR0119-51553

In the matter of Alexandru Traila [Applicant Landlord] and Tomasz Czubek [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 7th day of November 2018 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 3, 57 Queen Street, Clonmel, Co. Tipperary 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 14 days of the date of issue of this Order.
3. The Respondent Tenant shall also pay any further rent outstanding, from the hearing date, at the rate of €90 per weekly rental period or proportional part thereof at the rate of €12.86 per day and any other charges as set out in the terms of the tenancy agreement for each for weekly rental period or part thereof, until such time as the tenant vacates the above dwelling.
4. The Respondent Tenant shall pay the total sum of €3,182.86, to the Applicant Landlord, in 6 equal instalments at the rate of €500 per calendar month, on the 10th day of each month, followed by one further instalment of €182.86 in this immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €2,982.86 together with the sum of €200 awarded in respect of damages as a result of the Respondent Tenant's failure to comply with his legal obligations to discharge rent in accordance with Section 16 of the Act and in failing to vacate the property after the service of a valid Notice of Termination.
5. The enforcement of this Order for such payment of €3,182.86 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 €3,182.85 has been paid in full.
6. 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.

This Order was made by the Residential Tenancies Board on 28 June 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director