

Residential Tenancies Board

Determination Order

Ref: DR0119-51595

In the matter of Jelena Zoric [Applicant Landlord] and John Paul O'Shea [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 30th of August 2018, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 62 Shanakill, Monavalley, Tralee, Co. Kerry, is valid.
2. The Respondent Tenant, and any other person/s 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 pay the sum of €3,420 to the Applicant Landlord, by way of 17 consecutive monthly payments of €200, to be paid on or before the 28th day of each month, followed by a final payment of €20, to be paid on or before the 28th day of the 18th month, payment commencing in the month immediately following the month of issue of this Order. This sum of €3,420 being rent arrears up to the 15th April 2019, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €3,420 shall be deferred and the total sum owing shall be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €3,420 has been paid in full.
5. or 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 the 16th of April 2019, being the date of the adjudication hearing, to the Applicant Landlord, at the rate of €70 per week or proportional part thereof at the rate of €10 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each week or part thereof, until such time as he vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 20 June 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director