

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0120-59721**

In the matter of Ken Tyrrell [Applicant] (In capacity as receiver over the certain assets of Joseph Gavin, Landlord) and Dariuz Marcinkiewicz [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a date of service of 6th February 2020, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 8 The Courtyard, Cornadarragh, Belturbet, Cavan, is valid.
2. The Respondent Tenant and any other persons residing in the dwelling shall vacate and give up possession of the above dwelling with 28 days of the expiration of the emergency period as defined in section 3 of the Emergency Measures in the Public Interest (Covid -19) Act 2020 or as extended by order under section 4 of the Emergency Act the Emergency Measures in the Public Interest (Covid -19) Act 2020.
3. The Respondent Tenant shall pay the total sum of €4,082.20 to the Receiver, by way of 20 consecutive instalments at the rate of €200 per calendar month, on or before the 28th day of each month, followed by one further instalment of €82.20 in the immediately succeeding month commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €4,082.20, in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 05th June 2020, being the date of the Adjudication, at the rate of €500 per month or proportionate part thereof at the rate of €16.44 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Respondent Tenant and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €4,082.20 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Receiver, on each due date, until such time as the total sum of €4,082.20 has been paid in full.

6. For the avoidance of doubt, any default in the payment of any of the monthly/weekly 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 Receiver.

This Order was made by the Residential Tenancies Board on 02 September 2020.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director