

Residential Tenancies Board

Determination Order

Ref: DR0120-59797

In the matter of Heathermount Limited [Applicant Landlord] and Nadia Daly and Sophie Daly [Respondent Tenants] 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 15 May 2019, served by the Applicant Landlord on the Respondent Tenants in accordance with the provisions of paragraph 3 of the Table to section 34 of the Residential Tenancies Act 2004, as amended, in respect of the tenancy of the dwelling at Apt 25, The Linden, Riversdale, Dundrum, Dublin 16, D16T2R6, is valid.
2. The Notice of Termination with a date of service of 15 May 2019, served by the Applicant Landlord on the Respondent Tenants in accordance with the provisions of paragraph 5 of the Table to section 34 of the Residential Tenancies Act 2004, as amended, in respect of the tenancy of the above dwelling, is valid.
3. The Notice of Termination with a date of service of 17 September 2019, served by the Applicant Landlord on the Respondent Tenants in accordance with the provisions of paragraph 1 of the Table to section 34 of the Residential Tenancies Act 2004, as amended, for failure to pay the rent as it falls due for payment, in respect of the tenancy of the above dwelling, is valid.
4. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 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 Measures in the Public Interest (Covid-19) Act 2020, or within 14 days of the date of issue of this Order, whichever is the later.
5. The Respondent Tenants shall pay the total sum of €18,548.88 to the Applicant Landlord, by way of 6 consecutive monthly instalments at the rate of €3,000.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €548.88, to be paid on or before the 28th day of the 7th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €18,548.88 in respect of the tenancy of the above dwelling.
6. The Respondent Tenants shall also pay any further rent outstanding from 8 June 2020, being the date of the Adjudication Hearing, to the Applicant Landlord, at the rate of €1,973.92 per month, or proportionate part thereof at the rate of €64.90 per day, unless lawfully varied, together with any other charges 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 them and any other person/s residing therein.

7. The enforcement of this Order for such payment of €18,548.88 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €18,548.88 has been paid in full.

8. 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.

9. The Applicant Landlord shall refund the entire of the security deposit of €1,800.00 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up 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 09 September 2020.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director