

Residential Tenancies Board

Determination Order

Ref: DR0121-67447

In the matter of David O'Connor (Acting in capacity as Receiver over the certain assets of Hugh McGee, Landlord) [Applicant Receiver] and Rachel McGettigan [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 22nd October 2020 served by the Applicant Receiver on the Respondent Tenant, in respect of the tenancy of the dwelling at 42 Town Centre Apartments, Pearse Road, Letterkenny, Co. Donegal is valid.
2. The Respondent Tenant and any other persons residing in the dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issuance of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €4,865.42 to the Applicant Receiver, by way of 4 consecutive instalments at the rate of €1,000 per calendar month, on or before the 28th day of each month, followed by one further instalment of €865.42 in the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears owed as of the date of the adjudication hearing on 24th June 2021.
4. The Respondent Tenant shall also pay any further rent outstanding from 24th June 2021 being the date of the Adjudication Hearing, at the rate of €600 per month or proportionate part thereof at the rate of €19.73 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 €4,865.42 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 Applicant Receiver, on each due date, until such time as the total sum 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 Receiver.

This Order was made by the Residential Tenancies Board on 15 September 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director