

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0121-67595**

In the matter of Sean Webb, (Acting in Capacity as receiver over Certain Assets of Eddie O'Donoghue, Landlord) [Applicant] and Des Markey, Des Markey Junior [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 25th September 2020 served by the Applicant on the Respondent Tenants in respect of the tenancy of the dwelling at Apartment 44, Howth Lodge, Howth, Co. Dublin, D13NT27, is valid.
2. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €33,316.23 to the Applicant, by way of 16 consecutive monthly instalments at the rate of €2,000 per month, on or before the 28th day of each month, followed by one further instalment of €1,316.23, on or before the 28th day of the 17th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €33,316.23 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, on each due date, until such time as the total sum has been paid in full.
5. 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.

6. The Respondent Tenants shall also pay any further rent outstanding from 18th May 2021, being the date of the Adjudication Hearing, to the Applicant, at the rate of €1,675 per month or proportionate part thereof at the rate of €55.07 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 the Respondent Tenants and any other person/s residing therein.

This Order was made by the Residential Tenancies Board on 21 July 2021.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director