

Residential Tenancies Board

Determination Order

Ref: DR0219-51865

In the matter of Shane McCarthy [Applicant] (In his capacity as Receiver Over Certain Assets of Michael Molloy and Padraig Phibbs, Landlords) and Des Whelan [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 2nd November 2018 by the Applicant on the Respondent Tenant in respect of the tenancy of the dwelling at First Floor, 4 Poole's Terrace, Cork Street, Dublin 8 is valid.
2. The Respondent Tenant and all persons 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 Tenant shall pay the total sum of €17,944.66 to the Applicant, in 17 equal consecutive installments at the rate of €1,000.00 per calendar month, on the 28th day of each month, followed by one further installment of €944.66 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears/damages of €20,944.66, having deducted the sum of €3,000.00 being the amount of rent arrears the subject of Determination Order DR1114-15315 in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from the 11th March 2019 being the date of the adjudication hearing, at the rate of €400.00 per month or proportionate part thereof at the rate of €13.15 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as he vacates the above dwelling.
5. The enforcement of this Order for such payment of €17,944.66 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant on each due date until such time as the total sum of €17,944.66 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.

This Order was made by the Residential Tenancies Board on 28 November 2019.



Ciaran Delaney
Higher Executive Officer
Duly authorised to sign on behalf of the Director