

Residential Tenancies Board

Determination Order

Ref: DR0219-52098

In the matter of Michael O'Dea [Applicant Landlord] and Shane O'Malley, Katherine McCrann [Respondent Tenants] 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 6th day of September 2018 by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 45 Castle Gardens, Bunratty, Co. Clare is valid.
2. The Respondent Tenants and any other person residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenants shall pay any further rent at the current rate of €550 per monthly rental period or proportional part thereof at the rate of €18.08 per day and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as the dwelling is vacated.
4. The Respondent Tenants shall pay the total sum of €11,130.80, to the Applicant Landlord, in 10 equal instalments at the rate of €1,000 per calendar month, on the 4th day of each month, followed by one further instalment of €1,130.80 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €10,630.80 together with the sum of €500 awarded in respect of damages as a result of the Tenants' failure to comply with their legal obligations to discharge rent in accordance with Section 16 of the Act and in failing to vacate the property after the service of a valid Notice of Termination.
5. The enforcement of this Order for such payment of €11,130.80 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlord on each due date until such time as the total sum of €11,130.80 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 Landlord.
7. The Applicant Landlord shall refund the entire of the security deposit of €550 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 May 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director