

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0219-52348**

In the matter of Eilish Malone [Applicant Landlord] and Sinead Travers [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 22nd February 2019 served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 10 Gerards Way, Carndonagh, County Donegal 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 twenty-eight days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €517.29 to the Applicant Landlord, in nine consecutive weekly payments of €51.72, on the Friday of each week, followed by one payment of €51.81 on the Friday of the immediately succeeding week, commencing on the Friday of the week immediately following the date of issue of this Order, being rent arrears of €517.29 in breach of Section 16(a)(i) of the Act, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €517.29 will be deferred and the total sum owing reduced by the cumulative sum paid in the weekly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €517.29 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the weekly instalments shall act to cancel any further deferral and the balance due at the date of default of any such weekly payment shall immediately become due and owing to the Applicant Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from 29th March 2019, being the date of the Adjudication hearing, at the rate of €110.00 per week or proportional part thereof at the rate of €15.71 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each week or part thereof, until such time as the Respondent Tenant vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €340.00 to the Respondent Tenant, upon the Respondent Tenant 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 14 June 2019.

  
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Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director