

Residential Tenancies Board

Determination Order

Ref: DR0219-52376

In the matter of Majella O Donoghue [Applicant Landlord] and Ken O'Shea, Georgina O Shea [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 25th February 2019, by the Applicant Landlord, on the Respondent Tenants, in respect of the tenancy of the dwelling at Ballydwyre, Cloyne, Co. Cork, P25DK11, is valid.
2. The Respondent Tenants and any persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €3,300 to the Applicant Landlord, in 8 consecutive monthly payments of €400 on the 28th day of each month, followed by one payment of €100 in the immediately succeeding month, commencing the next month after the issue of this Determination Order, being rent arrears up to the 16th April 2019, the date of the hearing, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €3,300 shall 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 €3,300 has been paid in full.
5. For the avoidance of doubt, any default in the payment 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.
6. The Respondent Tenants shall pay any rent outstanding from the 16th April 2019, at the rate of €1,200 per month and/or €39.45 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month/day or part thereof, until such time as they vacate the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,100 to the Respondent Tenants, on gaining vacant 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 30 May 2019.

A handwritten signature in dark ink, appearing to read 'Gary Byrne', is written over a horizontal line.

Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director