

Residential Tenancies Board

Determination Order

Ref: DR0220-60517

In the matter of Micheal Fogarty [Applicant Landlord] and Claire McHugh, Michael Walsh [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 stated date-of-service of the 17th January 2020, served by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 12 The Cloisters, Tullow Road, Co. Carlow, R93AY28, is valid.
2. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the expiration of the emergency period as defined in section 3 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 or as extended by order under section 4 of the Emergency Measures in the Public Interest (Covid-19) Act 2020.
3. The Respondent Tenants shall pay the total sum of €6,539.12 to the Applicant Landlord, by way of 10 consecutive monthly payments of €600.00, to be paid on or before the 28th day of each month, followed by one further payment of €539.12, to be paid on or before the 28th day of the 11th month, commencing in the month immediately following the month of issue of this Order. This sum of €6,539.12 being rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €6,539.12 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 Landlord, on each due date, until such time as the total sum of €6,539.12 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 Landlord.
6. The Respondent Tenants shall also pay any further rent outstanding from the 12th June 2020, being the date of the adjudication, to the Applicant Landlord, at the rate of €1,000.00 per month or proportionate part thereof at the rate of €32.88 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.

7. The Applicant Landlord shall refund the entire of the security deposit of €1,000.00 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 11 November 2020.



Emer Morrissey
Assistant Director

Duly authorised to sign on behalf of the Director