

Residential Tenancies Board

Determination Order

Ref: DR0220-60805

In the matter of Emer McDonagh [Applicant Landlord] and Melissa McClure and Mark Brennan [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 23rd January 2020, by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy at Tullokyne, Moycullen, County Galway 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 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 €3,600.00 to the Applicant Landlord, in 12 consecutive monthly payments of €300.00, on the 28th of each month, commencing on the 28th of the month immediately following the date of issue of this Order, being rent arrears of €3,600.00 due for the months of December 2019, January 2020 and February 2020 to the 2nd March 2020, being the next rent due date after receipt of the Application for Dispute Resolution, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €3,600.00 will be deferred and the total sum owing will be 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 €3,600.00 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any monthly instalment 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 continue to pay rent outstanding from the 2nd March 2020, being the next due date for rent after receipt of the Application for Dispute Resolution, to the Applicant Landlord at the rate of €1,200.00 per month or proportionate part thereof at the daily rate of €39.45, 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 the above dwelling is vacated by the Respondent Tenants and all persons residing therein.

7. The Applicant Landlord shall refund the entire of the security deposit of €975.00 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 20 August 2020.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director