

Residential Tenancies Board

Determination Order

Ref: DR0221-68156

In the matter of Paul McLeary, (Acting in Capacity as Receiver over the Certain Assets of Mary Lawlor, Landlord) [Applicant] and Padraig Flynn [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a date of service of 11 September 2019, served by the Applicant on the Respondent Tenant, in respect of the tenancy of the dwelling at 44 Cherry Orchard Heights, Enniscorthy, Co. Wexford, is valid.
2. The Respondent Tenant and any other persons 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 Determination Order.
3. The Respondent Tenant shall pay the total sum of €8,570.95 to the Applicant Receiver by way of 8 consecutive instalments at the rate of €1,000.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €570.95 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €8,570.95 in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 14 May 2021, being the date of the Adjudication Hearing, at the rate of €400.00 per month, or proportionate part thereof at the rate of €13.15 per day, unless lawfully varied, and any other charges as 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 Tenant and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €8,570.95 will be deferred and the total sum owing will be reduced by the cumulative sum paid in monthly instalments, by the Respondent Tenant to the Applicant, on each due date, until such time as the total sum of €8,570.95 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.

This Order was made by the Residential Tenancies Board on 21 July 2021.

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

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director