

Residential Tenancies Board

Determination Order

Ref: DR0222-75638

In the matter of Tom Flanagan [Applicant Landlord] and Paul O'Sullivan [Respondent Tenant] 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 17th January 2022, by the Applicant Landlord, on the Respondent Tenant, in respect of the tenancy of the dwelling at 11 Halldene Gardens, Bishopstown, Cork, Y12X4OY, is valid.
2. The Respondent Tenant, and any other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €5,701.72 to the Applicant Landlord, by way of 11 consecutive monthly payments at the rate €500.00 per month, to be paid on or before the 28th day of each month, followed by a payment of €201.72, to be paid on or before the 28th day of the 12th month, commencing in the month immediately following the month of issue of this Determination Order. This sum of €5,701.72 being rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Determination Order for such payment of €5,701.72 shall be deferred and the total sum owing shall be reduced by the cumulative sum paid in the monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €5,701.72 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 Tenant shall also pay any further rent outstanding from the 20th April 2022, being the date of the (virtual) hearing, to the Applicant Landlord, at the rate of €1,128.00 per month or proportionate part thereof at the rate of €37.08 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 he vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,000.00 to the Respondent Tenant, 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 29 June 2022.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director