

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0319-52625**

In the matter of Esther Lannon [Applicant Landlord] and Tim Shelly, Julie Shelly [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 4th February 2019 by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 52 Dun Eoin, Carrigaline, Co. Cork, is valid.
2. The Respondent Tenants, and any other person/s 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 Order.
3. The Respondent Tenants shall pay the total sum of €9,400 to the Applicant Landlord, by way of 4 consecutive monthly installments at the rate of €2,000 per month, to be paid on or before the 28th day of each month, followed by one further installment of €1,400, to be paid on or before the 28th day of the 5th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €9,400 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly installments by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €9,400 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly installments 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 11th June 2019, being the date of the Adjudication hearing, to the Applicant Landlord, at the rate of €1,200 per month or proportional part thereof at the rate of €39.45 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 they vacate the above dwelling.

7. The Applicant Landlord shall refund the entire of the security deposit of €1,200 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 29 July 2019.

  
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Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director