

**Residential Tenancies Board  
Determination Order**

**Ref: DR0321-68322**

In the matter of Ken Tyrrell (acting in capacity as Receiver over certain assets of Ellen Strain and Liam Strain) [Applicant Landlords] and David Reid and Josephine Cuskelly [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 date-of-service of 9th March 2021 served by the Applicant Receiver on the Respondent Tenants in respect of the tenancy of the dwelling at 8 Swilly Park, Letterkenny, Co. Donegal, F92X86E is valid.
2. The Respondent Tenants, and any other persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €3,750.42 to the Applicant Receiver, by way of 12 consecutive monthly instalments at the rate of €300.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €150.42, to be paid on or before the 28th day of the 13th month, commencing in the month immediately following the month of issue of this Determination Order. This sum represents rent arrears of €3,750.42 in respect of the tenancy of the dwelling at 8 Swilly Park, Letterkenny, Co. Donegal F92X86E.
4. The enforcement of this Determination Order for such payment of €3,750.42 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Applicant Receiver, on each due date, until such time as the total sum of €3,750.42 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 Receiver.
6. The Respondent Tenants shall also pay the Applicant Receiver any further rent outstanding from 2nd June 2021, being the date of the Adjudication Hearing, at the rate of €650.00 per month, or proportionate part thereof at the rate of €21.36 per day, unless lawfully varied, plus 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 persons currently residing therein.

This Order was made by the Residential Tenancies Board on 09 February 2022.



**Geraldine Norton**

Higher Executive Officer

Duly authorised to sign on behalf of the Director