

Residential Tenancies Board

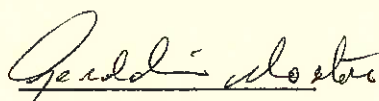
Determination Order

Ref: DR0322-76109, DR0522-77269

In the matter of Rory Ardagh, Deirdre Ardagh [Applicant/Respondent Tenants] and Marie Stanton [Respondent/Applicant Landlord] 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 15th February 2022, served by the Respondent/Applicant Landlord on the Applicant/Respondent Tenants, in respect of the tenancy of the dwelling at 33 Nutley Park, Donnybrook, Dublin 4, is valid.
2. The Applicant/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 Applicant/Respondent Tenants shall pay the total sum of €10,000.00 to the Respondent/Applicant Landlord, by way of 4 consecutive instalments at the rate of €2,500.00 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €12,000.00, less damages of €2,000.00 for breach of landlord obligations pursuant to Section 12(1)(b) of the Act for failure to carry out necessary repairs, in respect of the tenancy of the dwelling at 33 Nutley Park, Donnybrook, Dublin 4.
4. The Applicant/Respondent Tenants shall also pay any further rent outstanding from 20th July 2022, being the date of the Adjudication Hearing, at the rate of €3,000.00 per month or proportionate part thereof at the rate of €100.00 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month/week or part thereof, until such time as the above dwelling is vacated by the Applicant/Respondent Tenants and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €10,000.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Applicant/Respondent Tenants to the Respondent/Applicant Landlord, on each due date, until such time as the total sum of €10,000.00 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 Respondent/Applicant Landlord.

This Order was made by the Residential Tenancies Board on 31 August 2022.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director