

## **Residential Tenancies Board**

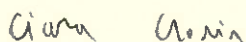
### **Determination Order**

**Ref: DR0322-76189**

In the matter of Herbert Park ICAV [Applicant Landlord] and Jonathan Whelan [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 15th February 2022 served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 40, The Hazel, Elmfield, Leopardstown, Dublin 18, is valid.
2. The Respondent Tenant, 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 Determination Order.
3. The Respondent Tenant shall pay the total sum of €8970.83 to the Applicant Landlord, by way of 44 consecutive monthly instalments at the rate of €200.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €170.83, to be paid on or before the 28th day of the 45th month, commencing in the month immediately following the month of issue of this Determination Order. This sum of €8970.83 being rent arrears in respect of the aforementioned tenancy.
4. The enforcement of this Determination Order for such payment of €8970.83 will be deferred and the total sum owing will 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 €8970.83 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 Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from 11th May 2022, being the date of the (virtual) adjudication hearing, to the Applicant Landlord, at the rate of €2000.00 per month or proportionate part thereof at the rate of €65.75 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 the above dwelling is vacated by the Respondent Tenant and any other person/s residing therein.

This Order was made by the Residential Tenancies Board on 27 July 2022.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director