

Residential Tenancies Board

Determination Order

Ref: DR0324-94040

In the matter of Ken Fennell Acting as Receiver [Applicant Landlord] and Robert Ryan [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 17 January 2024, served by the Applicant Receiver on the Respondent Tenant, in respect of the tenancy of the dwelling at 80 Oldcourt Drive, Bray, Co Wicklow, is valid.
2. The Notice of Termination with a date of service of 2 April 2024, served by the Applicant Receiver on the Respondent Tenant, in respect of the tenancy of the above dwelling is valid.
3. The Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of the Determination Order.
4. The Respondent Tenant shall pay the total sum of €16,689.30 to the Applicant Receiver by way of 16 consecutive instalments at the rate of €1,000.00 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of the Determination Order, followed by one further instalment of €689.30 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of the Determination Order. This sum represents rent arrears of €16,689.30 in respect of the tenancy of the above dwelling.
5. The Respondent Tenant shall also pay any further rent outstanding from 23 May 2024, being the date of the Adjudication Hearing, at the rate of €400.00 per month, or proportionate part thereof at the rate of €13.15 per day, unless lawfully varied, and any other charges as 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 persons residing therein.
6. The enforcement of the Determination Order for such payment of €16,689.30 will be deferred and the total sum owing will be reduced by the cumulative sum paid in monthly instalments, by the Respondent Tenant to the Applicant Receiver, on each due date, until such time as the total sum of €16,689.30 has been paid in full.
7. 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.

This Order was made by the Residential Tenancies Board on 14 August 2024.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director