

Residential Tenancies Board

Determination Order

Ref: DR0418-42793, DR0518-43833

In the matter of Andrew Fitzwalter [Applicant/Respondent Tenant] and Liam Gavin, Catherine Gavin [Respondent/Applicant Landlords] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 22nd April 2018 served by the Respondent/Applicant Landlords on the Applicant/Respondent Tenant in respect of the tenancy of the dwelling at 35 Thornleigh, Rush, County Dublin is valid.
2. The Applicant/Respondent Tenant and all 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 Order.
3. The Applicant/Respondent Tenant shall pay the total sum of €1,730.75 to the Respondent/Applicant Landlords, in five consecutive monthly payments of €346.15, on the 28th day of each month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €1,730.75, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €1,730.75 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Applicant/Respondent Tenant to the Respondent/Applicant Landlords on each due date until such time as the total sum of €1,730.75 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 Respondent/Applicant Landlords.
6. The Applicant/Respondent Tenant shall also pay any further rent outstanding from 25th May 2018, being the date of the Adjudication hearing, at the rate of €950.00 per month or proportional part thereof at the rate of €31.23 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as the Applicant/Respondent Tenant vacates the above dwelling.

7. Respondent/Applicant Landlords shall refund the entire of the security deposit of €775.00 to the Applicant/Respondent Tenant, upon the Applicant/Respondent Tenant 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 06 September 2018.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director