

Residential Tenancies Board

Determination Order

Ref: DR0418-43189

In the matter of Ken Fennell (Receiver over Certain Assets of James Kelly and Beatrice Kelly) [Applicant Landlord] and Rajat Sadiq [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 1st December 2017 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 19, Emmet Lodge, Emmet Court, Inchicore, Dublin 8 is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €8314.79 to the Applicant Landlord, in 16 equal consecutive instalments at the rate of €500 per calendar month, on the 28th day of each month, followed by one further instalment of €314.79 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from the date of the hearing, 17th July 2018, at the rate of €1100 per month or proportionate part thereof at the rate of €26.16 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 he vacates the above dwelling.
5. The enforcement of this Order for such payment of €8314.79 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €8314.79 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 Applicant Landlord.

This Order was made by the Residential Tenancies Board on 18 September 2018.

A handwritten signature in black ink, appearing to be 'CD', written over a horizontal line.

Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Director