

Residential Tenancies Board

Determination Order


Ref: DR0419-53695, DR0519-54087

In the matter of John Griffin, Frances Griffin [Applicant/Respondent Landlords] and Linda Woods [Respondent/Applicant 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 23 May 2019 by the Applicant/Respondent Landlords on the Respondent/Applicant Tenant, in respect of the tenancy of the dwelling at 2 Tober Bar, Old Castle Road, Kells, Co Meath, is valid.
2. The Respondent/Applicant Tenant's application, regarding the Applicant/Respondent Landlords' breach of their obligations under the Act in failing to allow the Tenant peaceful occupation of the dwelling, in respect of the tenancy of the above dwelling, is not upheld.
3. The Respondent/Applicant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling on 26 July 2019, being the termination date, or within 14 days of the date of issue of this Order, whichever is the later.
4. The Respondent/Applicant Tenant shall pay the total sum of €3,328.80 to the Applicant/Respondent Landlords in 3 equal consecutive instalments at the rate of €1,000.00 per calendar month, on the 28th day of each month, followed by one further instalment of €328.80 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €3,328.80 in respect of the tenancy of the above dwelling.
5. The Respondent/Applicant Tenant shall also pay any further rent outstanding from 11 June 2019, being the date of the Adjudication Hearing, at the rate of €1,000.00 per month, unless lawfully varied, or proportional part thereof at the rate of €32.88 per day and any other charges as set out in the terms of the tenancy agreement, until such time as she vacates and gives up possession of the above dwelling.
6. The enforcement of this Order for such payment of €3,328.80 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent/Applicant Tenant to the Applicant/Respondent Landlords on each due date until such time as the total sum of €3,328.80 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 instalment shall immediately become due and owing to the Applicant/Respondent Landlords.

8. The Applicant/Respondent Landlords shall refund the entire of the security deposit of €900.00 to the Respondent/Applicant Tenant, upon the Respondent/Applicant 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 03 October 2019.

A handwritten signature in dark ink, appearing to read 'Geraldine Norton', written over a horizontal line.

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director