

Residential Tenancies Board

Determination Order

Ref: DR0419-53767

In the matter of Deirdre O'Donnell [Applicant Landlord] and Leanne Dollard, Joseph Guinan [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated the 22 February 2019 served on 25th February 2019 by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 14 Station Road, Portarlinton, Co. Laois is invalid.
2. The Notice of Termination served on 14th March 2019 by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the above dwelling is valid.
3. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within a period of 14 days from the date of issue of this Order.
4. The Respondent Tenants shall pay the total sum of €3,086.18 to the Applicant Landlord, in 6 equal consecutive instalments at the rate of €500 per calendar month, on the 28th day of each month, followed by one further instalment of €86.18 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €3,086.18 in respect of the tenancy of the above dwelling.
5. The Respondent Tenants shall also pay any further rent outstanding from the date of the hearing, 21 May 2019, at the rate of €1,000 per month or proportionate part thereof at the rate of €32.88 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 they vacate the above dwelling.
6. The enforcement of this Order for such payment of €3,086.18 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlord on each due date until such time as the total sum of €3,086.18 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 Landlord.

8. The Applicant Landlord shall refund the entire security deposit of €1000 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
9. The Applicant Landlord's Application regarding the Respondent Tenants' breach of their obligation under Section 16 (c) of the 2004 Act to allow an inspection is not upheld.

This Order was made by the Residential Tenancies Board on 28 June 2019.

A handwritten signature in dark ink, appearing to read 'Gary Byrne', is written over a horizontal line.

Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director