

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0419-53861**

In the matter of Colm O'Cleirigh [Applicant Landlord] and Mark Hanley [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 22nd of April 2019 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 14 The Orchard Apartments, Cloverhill Road, Clondalkin, Dublin 22, is valid.
2. The Respondent Tenant, and any other person/s residing in the above dwelling, shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €3,378.15 to the Applicant Landlord, by way of 10 consecutive monthly instalments at the rate of €337.81 per month, to be paid on or before the 28th day of each month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears and charges set out in the terms of the tenancy agreement of €3,378.15 in respect of the tenancy of the dwelling at the above address.
4. The enforcement of this Order for such payment of €3,378.15 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €3,378.15 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 Applicant Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from 22nd May 2019, being the date of the Adjudication hearing, to the Applicant Landlord, at the rate of €1,081 per month or proportional part thereof at the rate of €35.54 per day, together with the other charge/s provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as he vacates the above dwelling.

7. The Applicant Landlord shall refund the entire of the security deposit of €1,500 to the Respondent Tenant, upon the 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 12 July 2019.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director