

## **Residential Tenancies Board**


### **Determination Order**

**Ref: DR0420-61515**

In the matter of Martin McColgan [Applicant Landlord] and Michael McGrath [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a date-of-service of 13th February 2020 as served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Flat 1B, Malin Road, Moville, Co. Donegal, 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 28 days of the expiration of the emergency period as defined in section 3 of the Emergency Measures in the Public Interest (Covid -19) Act 2020 or as extended by order under section 4 of the Emergency Act the Emergency Measures in the Public Interest (Covid -19) Act 2020.
3. The Respondent Tenant shall pay the total sum of €668.92 to the Applicant Landlord, by way of 3 consecutive monthly instalments at the rate of €200.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €68.92, to be paid on or before the 28th day of the 4th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €668.92 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €668.92 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 €668.92 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 1st July 2020, being the date of the adjudication, to the Applicant Landlord, at the rate of €450.00 per month or proportionate part thereof at the rate of €14.75 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as the above dwelling is vacated by him and any other person/s residing therein.
7. The Applicant Landlord shall refund the security deposit of €400.00 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 23 September 2020.

  
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Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director