

Residential Tenancies Board

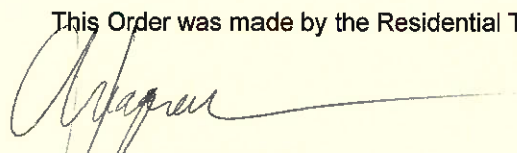
Determination Order

Ref: DR0422-76625

In the matter of Claire Barrett [Applicant Tenant] and Paul McSweeney [Respondent Landlord] 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 the 22nd April 2022 served by the Respondent Landlord on the Applicant Tenant, in respect of the tenancy of the dwelling at 11 Chandlers Way, Rushbrooke Links, Cobh, Co. Cork, is valid.
2. The Applicant Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling as specified on the Notice of Termination.
3. The Respondent Landlord shall refund the security deposit of €700.00 to the Applicant Tenant, upon the Applicant Tenant vacating and giving up possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
4. The Respondent Landlord shall pay the total sum of €2,180.84 to the Applicant Tenant, by way of 10 consecutive instalments at the rate of €200.00 per calendar month, on or before the 28th day of each month, followed by 1 further instalment of €180.84 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents overpayment of rent due to an invalid rent review in respect of the tenancy of the dwelling at 11 Chandlers Way, Rushbrooke Links, Cobh, Co. Cork.
5. The enforcement of this Determination Order for such payment of €2,180.84 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Landlord to the Applicant Tenant, on each due date, until such time as the total sum of €2,180.84 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 Tenant.
7. The Applicant Tenant shall also pay any further rent outstanding from 18th July, being the date of the Adjudication Hearing, at the rate of €700.00 per month or proportionate part thereof at the rate of €23.01 per day, unless lawfully varied, and any other charges as 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 the Applicant Tenant and any other persons residing therein.

This Order was made by the Residential Tenancies Board on 31 August 2022.



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director