

Residential Tenancies Board

Determination Order

Ref: DR0518-43416

In the matter of Nicola O'Connell, Benedict O'Connell [Applicant Landlord] and John Garcia [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 11 April 2018 by the Applicant Landlords on the Respondent Tenant in respect of the tenancy of the dwelling at 16 Ard Caoin, Heyword Road, Clonmel, Co. Tipperary is valid.
2. The Respondent Tenant and any other person residing in the above dwelling should vacate and give up possession of the above dwelling within fourteen days of the date of issue of this Order.
3. The Respondent Tenant shall pay any further rent at the current rate of €850.00 per monthly rental period or proportional part thereof at the rate of €27.94 per day and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as the dwelling is vacated.
4. The Respondent Tenant shall pay the total sum of €3,788.50 to the Applicant Landlord, in 4 equal instalments at the rate of €750.00 per calendar month, on the 1st of each month, followed by one further instalment of €788.50 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €3,588.50 together with the sum of €200.00 awarded in respect of damages.
5. The enforcement of this Order for such payment of €3,788.50 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments of €750.00 or €788.50 with respect to the fifth and final instalment made by the Respondent Tenant to the Applicant Landlords on each due date until such time as the total sum of €3,788.50 has been paid in full.
6. For the avoidance of doubt, any default in the payment of any of the monthly instalments €750.00 or €788.50 with respect to the fifth and final instalment 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 Landlords.
7. The Applicant Landlords shall refund the entire of the security deposit of €850.00 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 10 July 2018.



Paddy Gray
Board Member

Duly authorised to sign on behalf of the Board



Claire Diggin
Higher Executive Officer

Duly authorised to sign on behalf of the Board