

Residential Tenancies Board

Determination Order

Ref: DR0518-43915

In the matter of Irish Residential Properties REIT Plc [Applicant Landlord] and Faleh Awad Alshammari, Faisal Alshammari [Respondent Tenants] 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 18th July 2018, by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 515 Edges 1, Beacon South Quarter, Sandyford, Dublin 18, D18 K596, is valid.
2. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €3,754.00 to the Applicant Landlord, by way of 2 consecutive monthly instalments at the rate of €1,500.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €754.00, to be paid on or before the 28th day of the 3rd month, payment commencing on the 28th day of the month immediately following the month of issue of this Order. This sum represents rent arrears of €3,754.00 in respect of the tenancy of the dwelling at the above address.
4. The enforcement of this Order for such payment of €3,754.00 shall be deferred and the total sum owing shall be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €3,754.00 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 Tenants shall also pay any further rent outstanding from 5th September 2018, being the date of the Adjudication hearing, to the Applicant Landlord, at the rate of €1,622.00 per month or proportional part thereof at the rate of €53.33 per day, together with 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.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,400.00 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.

This Order was made by the Residential Tenancies Board on 02 November 2018.

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