

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0519-54121**

In the matter of Paul McCleary (Receiver over the certain assets of Patrick Davis and Theresa Davis, Landlords) [Applicant] and Deborah Usher [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 26th April 2018 as served by the Applicant on the Respondent Tenant in respect of the tenancy of the dwelling at 45 Kilcarrig Green, Fettercairn, Dublin 24, 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 7 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €17,289.57 to the Applicant, by way of eleven consecutive monthly payments of €1,440.79, to be paid on or before the 28th day of each month, followed by one payment of €1,440.88, to be paid on or before the 28th day of the twelfth month, commencing in the month immediately following the month of issue of this Order, being rent arrears of €17,289.57 in breach of Section 16(a)(i) of the Act, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €17,289.57 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, on each due date, until such time as the total sum of €17,289.57 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.
6. The Respondent Tenant shall also pay any further rent outstanding from 14th June 2019, being the date of the Adjudication hearing, to the Applicant, at the rate of €1,200.00 per month or proportional part thereof at the rate of €39.45 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 she vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 09 August 2019.

  
Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director