

Residential Tenancies Board

Determination Order

Ref: DR0519-54170

In the matter of Stephen Tennant (Receiver over Certain Assets of Thomas Fahy and Philomena Fahy, Landlords) [Applicant] and Shannon Mongan [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 11th of July 2018 by the Applicant on the Respondent Tenant in respect of the tenancy of the dwelling at 36 Woodfield, Tuam, Co. Galway, 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 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €7,104.72, to the Applicant, by way of 35 consecutive monthly instalments at the rate of €200.00 per month, on the 1st day of each month, followed by one further instalment of €104.72, on the 1st day of the 36th month, commencing in the month immediately following the month of issue of this Order. This sum being rent arrears of €7,004.72 together with the sum of €100.00 awarded in respect of damages as a result of the Respondent Tenant's failure to comply with her legal obligations to discharge rent in accordance with Section 16 of the Act and in failing to vacate the property after the service of a valid Notice of Termination.
4. The enforcement of this Order for such payment of €7,104.72 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 €7,104.72 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 the 10th of June 2019, being the date of the adjudication hearing, to the Applicant, at the rate of €100.00 per week or proportional part thereof at the rate of €14.28 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each week or part thereof, until such time as the dwelling is vacated by the Respondent Tenant and any other occupant.

This Order was made by the Residential Tenancies Board on 16 August 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director