

Residential Tenancies Board

Determination Order

Ref: DR0519-54186

In the matter of Denis O'Hea, Helen O'Hea [Applicant Landlords] and Amaan Mehraj, Justyna Bresninska [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 8th April 2019, by the Applicant Landlords, on the Respondent Tenants, in respect of the tenancy of the dwelling at Woodfield, Clonakilty, Co. Cork, P85AD83, is valid.
2. The Respondent Tenants, 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 Applicant Landlords' application regarding anti-social behaviour, standard & maintenance of dwelling and other, in respect of the tenancy of the above dwelling is not upheld.
4. The Respondent Tenants shall pay the total sum of €2,817.29 to the Applicant Landlords, by way of 7 consecutive monthly payments of €400, to be paid on or before the 28th day of each month, followed by one payment of €17.29 to be paid on or before the 28th day of the 8th month, commencing in the month immediately following the month of issue of this Order. This sum of €2,817.29 being rent arrears up to the 14th June 2019, the date of the hearing, in respect of the tenancy of the above dwelling.
5. The enforcement of this Order for such payment of €2,817.29 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 Landlords, on each due date, until such time as the total sum of €2,817.29 has been paid in full.
6. For the avoidance of doubt, any default in the payment 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 Landlords.
7. The Respondent Tenants shall also pay any further rent outstanding from the 14th June 2019, being the date of the hearing, to the Applicant Landlords, at the rate of €700 per month or proportional part thereof at the rate of €23.01 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 they vacate the above dwelling.

8. The Applicant Landlords shall refund the entire of the security deposit of €700 to the Respondent Tenants, on gaining vacant 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 01 August 2019.



Claire Diggin

Assistant Director

Duly authorised to sign on behalf of the Director