

Residential Tenancies Board

Determination Order

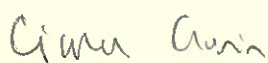
Ref: DR0521-69669, DR0521-69784

In the matter of Melissa Conway, James Kelch [Applicant/Respondent Tenants] and George McKeown, Carol McKeown [Respondent/Applicant Landlords] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Applicant/Respondent Tenants application, in respect of the tenancy of the dwelling at Apartment 3, Owenstown Lodge, Owenstown Park, Foster's Avenue, Mount Merrion, Blackrock, Co. Dublin, A94T1W4 is abandoned.
2. The Notice of Termination, with a date-of-service of 7 May 2021, served by the Respondent/Applicant Landlords on the Applicant/Respondent Tenants, in respect of the tenancy of the dwelling at Apartment 3, Owenstown Lodge, Owenstown Park, Foster's Avenue, Mount Merrion, Blackrock, Co. Dublin, A94T1W4 is valid.
3. The Applicant/Respondent Tenants, and any other person/s currently 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.
4. The Applicant/Respondent Tenants shall pay the total sum of €4,850 to the Respondent/Applicant Landlords by way of 4 consecutive monthly instalments at the rate of €1,000.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €850.00, to be paid on or before the 28th day of the 5th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €4,850.00 in respect of the tenancy of the above dwelling.
5. The enforcement of this Order for such payment of €4,850.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid in monthly instalments, by the Applicant/Respondent Tenants to the Respondent/Applicant Landlords, on each due date, until such time as the total sum of €4,850.00 has been paid in full.
6. 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 Respondent/Applicant Landlords.
7. The Applicant/Respondent Tenants shall also pay any further rent outstanding from 19 July 2021, being the date of the Adjudication Hearing, at the rate of €1,950.00 per month, or proportionate part thereof at the rate of €64.11 per day, unless lawfully varied, plus any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as the above dwelling is vacated by the Applicant/Respondent Tenants and any other person/s residing therein.

8. The Respondent/Applicant Landlords shall refund the entire of the security deposit of €1,950.00 to the Applicant/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 30 August 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director

