

Residential Tenancies Board

Determination Order

Ref: DR0521-69718

In the matter of Sharon Kelly [Applicant Landlord] and Alina Mirabela Vatamanu, Elvis Nichita, Georgian Nichita, Irina Drayomir [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

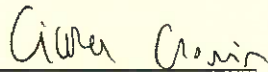
1. The Notice of Termination with a date of service of 11 March 2021, served by the Applicant Landlord on the Respondent Tenants, for breach of tenancy obligations not to behave in a way that is anti-social, contrary to the provisions of section 16(h) of the Residential Tenancies Act 2004, as amended, in respect of the tenancy of the dwelling at 26 Rutland Grove, Crumlin, Dublin 12, is valid.
2. The Notice of Termination with a date of service of 19 April 2021, served by the Applicant Landlord on the Respondent Tenants for breach of tenancy obligations not to behave in a way that is anti-social, contrary to the provisions of section 16(h) of the Residential Tenancies Act 2004, as amended, in respect of the tenancy of the above dwelling, is invalid.
3. The Notice of Termination with a date of service of 19 April 2021, served by the Applicant Landlord on the Respondent Tenants for breach of tenancy obligations to pay the rent as it falls due, contrary to the provisions of section 16(a) of the Residential Tenancies Act 2004, as amended, in respect of the tenancy of the above dwelling, is valid.
4. The Respondent Tenants and any other persons 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 Determination Order.
5. The Respondent Tenants shall pay the total sum of €12,141.00 to the Applicant Landlord by way of 12 consecutive instalments at the rate of €1,000.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €141.00 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €12,141.00 in respect of the tenancy of the above dwelling.
6. The Respondent Tenants shall also pay any further rent outstanding from 14 July 2021, being the date of the Adjudication Hearing, at the rate of €2,000.00 per month, or proportionate part thereof at the rate of €65.75 per day, unless lawfully varied, and any other charges as 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 Respondent Tenants and any other persons residing therein.
7. The enforcement of this Determination Order for such payment of €12,141.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid in monthly

instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €12,141.00 has been paid in full.

8. 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.

9. The Applicant Landlord shall refund the entire of the security deposit of €2,000.00 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 18 August 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director