

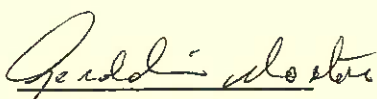
Determination Order

Ref: DR0522-77214

In the matter of Anthony Whooley [Applicant Landlord] and Jamie Zabala [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 11th April 2022, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at Apartment 3, 10 Dyke Parade, Co. Cork, T12HV52, is valid.
2. The Respondent Tenant and any other persons 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 Determination Order.
3. The Respondent Tenant shall pay the total sum of €2,419.00 to the Applicant Landlord, by way of 4 consecutive instalments at the rate of €500.00 per calendar month, on or before the 28th day of each month, followed by 1 further instalment of €419.00 in the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 20th July 2022, being the date of the Adjudication Hearing, at the rate of €811.20 per month or proportionate part thereof at the rate of €26.67 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 Tenant and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €2,419.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly/weekly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum has been paid in full.
6. For the avoidance of doubt, any default in the payment of any of the monthly/weekly 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.
7. The Applicant Landlord shall refund the security deposit of €780.00 to the Respondent Tenant, on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
8. The Respondent Tenant's claim of breach of landlord obligations with respect to the tenancy of the above dwelling is not upheld.

This Order was made by the Residential Tenancies Board on 17 May 2023



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director