

Residential Tenancies Board


Determination Order

Ref: DR0522-77242, DR0522-77445

In the matter of Melissa Fleming [Applicant/Respondent Tenant] and Micheal Gerrard [Respondent/Applicant Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 6th October 2021, and served by the Respondent/Applicant Landlord upon the Applicant/Respondent Tenant in respect of the tenancy of the dwelling at 71 Knockbrack Downs, Drogheda, Co. Louth, A92HKX6, is valid.
2. The Applicant/Respondent Tenant and all 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.
3. The Applicant/Respondent Tenant shall pay the total sum of €9,620.45 to the Respondent/Applicant Landlord, in 19 equal consecutive monthly instalments at the rate of €500.00 per month, followed by 1 further instalment of €120.45 in the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €9,120.45 in respect of the tenancy of the above dwelling up to and inclusive of 15th July 2022, in addition to damages of €500.00 for the consequences of failing to pay rent as it fell due.
4. The enforcement of this Determination Order for such payment of €9,620.45 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Applicant/Respondent Tenant to the Respondent/Applicant Landlord on each due date until such time as the total sum of €9,620.45 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 Respondent/Applicant Landlord.
6. The Applicant/Respondent Tenant shall also pay any further rent outstanding from 15th July 2022, being the date of the adjudication hearing, at the rate of €950.00 per month, or proportionate part thereof unless lawfully varied, until such time as she vacates and gives up possession of the above dwelling.
7. The Applicant/Respondent Tenant's claim of unlawful termination of tenancy is deemed to be withdrawn.

This Order was made by the Residential Tenancies Board on 07 September 2022.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director