

## **Residential Tenancies Board**

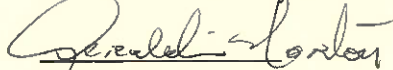
### **Determination Order**

**Ref: DR0522-77328**

In the matter of The Vestry General Partner Designated Activity Company [Applicant Landlord] and Hugh Reilly, Katherine Creaney [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 24 March 2022, served by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 52 Cloran Court, Athboy, Co. Meath, C15R6K2, is valid.
2. The Respondent Tenants 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 enforcement of this Determination Order, to vacate the dwelling within 14 days of the date of issue of this Determination Order, will be deferred to enable the Respondent Tenants make the rent arrears payments in strict compliance with the payment provisions set out in this Determination Order. The Determination Order to vacate the dwelling shall cease to have effect if the Respondent Tenants comply fully with the requirement to pay the rent arrears as set out in this Determination Order.
4. For the avoidance of doubt, any default in the payment of any of the monthly instalments of rent arrears shall act to cancel the deferral of this Determination Order to vacate and give up possession of the dwelling and the Respondent Tenants shall be required to vacate and give up possession of the dwelling within 14 days of the date of any such default, in respect of the tenancy of the above dwelling.
5. The Respondent Tenants shall pay the total sum of €1,539.28 to the Applicant Landlord by way of 6 consecutive instalments at the rate of €250.00 per calendar month, on or before the 28th day of each month, followed by 1 further instalment of €39.28 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 €1,539.28 in respect of the tenancy of the above dwelling.
6. The Respondent Tenants shall also pay any further rent outstanding from 15 September 2022, being the date of the Adjudication Hearing, at the rate of €1,532.00 per month, or proportionate part thereof at the rate of €50.37 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 €1,539.28 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 €1,539.28 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 €1,500.00 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up 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 26 October 2022.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director