

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0618-44865**

In the matter of Djena Krasniqi [Applicant Landlord] and Mark Pollock [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 18th May 2018, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at Spenvally, Crockaunadreenagh, Rathcoole, Co. Dublin, is valid.
2. The Respondent Tenant, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 28 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €2,397.25 to the Applicant Landlord, in 4 consecutive monthly payments of €500.00, on the 28th day of each month, followed by one further payment of €397.25, on the 28th day of the 5th month, commencing on the 28th day of the month immediately following the month of issue of this Determination Order, being rent arrears of €2,397.25 in respect of the tenancy of the above dwelling.
4. The enforcement of this Determination Order for such payment of €2,397.25 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €2,397.25 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any monthly instalment 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.
6. The Respondent Tenant shall also pay any further rent outstanding to the Applicant Landlord from the 16th July 2018, 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 set out in 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 all persons residing therein.
7. The Applicant Landlord shall refund the entire of the security deposit of €4,000.00 to the Respondent Tenant, upon the Respondent Tenant 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 11 September 2018.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Director