

## **Residential Tenancies Board**


### **Determination Order**

**Ref: DR0618-44922**

In the matter of Mary Gavin [Applicant Landlord] and Michael Haynes [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 27th day of April 2018, by the agent of the Applicant Landlord, on the Respondent Tenant in respect of the tenancy of the dwelling at 127 Rahylin Glebe, Ballybane, Co. Galway is valid.
2. The Respondent Tenant and any other person residing in the above dwelling shall vacate and give up possession of the above dwelling within fourteen days of the date of issue of this Order.
3. The Respondent Tenant shall pay any further rent at the current rate of €650 per monthly rental period or proportional part thereof at the rate of €21.36 per day 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 dwelling is vacated.
4. The Respondent Tenant shall pay the total sum of €2,427.68, to the Applicant Landlord, in 5 equal instalments at the rate of €400 per calendar month, on the 1st of each month, followed by one further instalment of €427.68 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €2,227.68 together with the sum of €200 awarded in respect of damages as a result of the Tenants failure to comply with his legal obligations to discharge rent in accordance with Section 16 of the Act.
5. The enforcement of this Order for such payment of €2,427.68 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €2,427.68 has been paid in full.
6. 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.

This Order was made by the Residential Tenancies Board on 24 January 2019.



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Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director