

Residential Tenancies Board

Determination Order

Ref: DR0618-44952

In the matter of Gerald Colgan, Dolores Colgan [Applicant Landlords] and Ronan Barry, Mary Barry [Respondent Tenants] 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 22nd February 2018 by the Applicant Landlords on the Respondent Tenants in respect of the tenancy of the dwelling at Loudwater House, Porterstown Lane, Ratoath, Co. Meath is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 21 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €38,600 to the Applicant Landlords, in 4 equal consecutive installments at the rate of €9,650 per calendar month, on the 28th day of each month, commencing the next month after the issue of this Order.
4. The Respondent Tenants shall also pay any further rent outstanding from 31st August 2018, being the date of the Adjudication hearing, at the rate of €1,800 per month or proportional part thereof at the rate of €59.18 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 Respondent Tenants vacate the above dwelling.
5. The enforcement of this Order for such payment of €38,600 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlords on each due date until such time as the total sum of €38,600 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 Landlords.
7. The Applicant Landlords shall refund the entire of the security deposit of €1,800 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 16 January 2019.

A handwritten signature in dark ink, appearing to read 'Gary Byrne', is written over a horizontal line.

Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director