

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0619-54974**

In the matter of Gerard Fitzgerald [Applicant Landlord] and Noreen Brennan, Leah Brennan, Caleb Brennan [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 by the Applicant Landlord on the 27th of March, 2019 on the Respondent Tenants in respect of the tenancy of the dwelling at 4 Rices Corner, High Road, Thomondgate, Co. Limerick, v94av25 is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up vacant possession of the above dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenant, Ms. Noreen Brennan, shall pay the total sum of €2,320.58 to the Applicant Landlord, in 4 equal consecutive instalments at the rate of €500.00 per calendar month, on the 28th day of each month, followed by one further instalment of €320.58 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €2,161.68 and a sum of €158.90 being damages in excess of normal wear and tear caused to the dwelling and for breach of the Ms. Noreen Brennan's obligations pursuant to Section 16(f) of the Residential Tenancies Act, 2004, in respect of the tenancy of the dwelling at 4 Rice's Corner, High Road, Thomondgate, Limerick, v94av25.
4. The Respondent Tenant, Ms. Noreen Brennan, shall continue to pay any further rent outstanding from the date of the Adjudication Hearing on the 11th of July, 2019, at the rate of €1,000.00 per month or proportionate part thereof at the rate of €32.88 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 vacate the above dwelling.
5. The enforcement of this Order for such payment of €2,320.58 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant, Ms. Noreen Brennan, to the Applicant Landlord on each due date until such time as the total sum of €2,320.58 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 22 August 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