

Residential Tenancies Board

Determination Order

Ref: DR0619-55206

In the matter of John Hogan [Applicant Landlord] and Lisa Fenton [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notices of Termination served on the 18th June 2019 and the 6th July 2019, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 218 Saint John's Park, Waterford City, Co. Waterford X91H6P3, are valid.
2. The Respondent Tenant, and any other person/s 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 Order.
3. The Respondent Tenant shall pay the total sum of €1,592.30 to the Applicant Landlord, by way of 10 consecutive monthly payments of €150, to be paid on or before the 28th day of each month, followed by one further payment of €92.30, to be paid on or before the 28th day of the 11th month, commencing in the month immediately following the month of issue of this Order. This sum of €1,592.30 being rent arrears up to the 22nd July 2019, being the date the adjudication, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €1,592.30 shall be deferred and the total sum owing shall 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 €1,592.30 has been paid in full.
5. 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.
6. The Respondent Tenant shall also pay any further rent outstanding from the 22nd July 2019, to the Applicant Landlord, at the rate of €160 per week or proportional part thereof at the rate of €22.86 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each week or part thereof, until such time as she vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €300 to the Respondent Tenant, on gaining vacant 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 05 September 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director