

Residential Tenancies Board

Determination Order

Ref: DR0621-70222

In the matter of Frederic Ozanam Trust [Applicant Landlord] and Joe Harte [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 4 February 2021 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 4 St. Paul's Close, Western Road, Clonakilty, Co. Cork, is valid.
2. The Respondent Tenant, and any other person/s currently residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €1,909.00 to the Applicant Landlord, by way of 11 consecutive monthly instalments at the rate of €159.10 per month, on the 3rd day of each month, followed by a final instalment of €158.90, on the 3rd day of the 12th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €1,909.00 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 €1,909.00 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 3 September 2021, being the date of the virtual hearing, to the Applicant Landlord, at the rate of €92.31 per week or proportionate part thereof at the rate of €13.18 per day, unless lawfully varied, plus any other charges provided for under the terms of the tenancy agreement, for each week or part thereof, until such time as the dwelling is vacated by him and by any other current occupant/s.

This Order was made by the Residential Tenancies Board on 17 November 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director