

Residential Tenancies Board

Determination Order

Ref: DR0621-70732

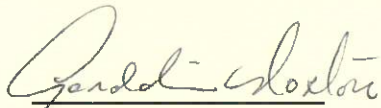
In the matter of Michelle Whitley (personal representative of Yvonne Whitley, deceased) [Applicant Landlord] and Marzena Golbebska [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 28th May 2021, by the Applicant on the Respondent Tenant, in respect of the tenancy of the dwelling at Lislea, Kilmoney Road Lower, Carrigaline, Co. Cork, is valid.
2. The Respondent Tenant, and all other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €28,800.00 to the Applicant, by way of 30 consecutive monthly instalments at the rate of €950.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €300.00, to be paid on or before the 28th day of the 31st month, commencing in the month immediately following the month of issue of this Order. This sum of €28,800.00 being rent arrears in respect of the aforementioned tenancy.
4. The enforcement of this Order for such payment of €28,800.00 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, on each due date, until such time as the total sum of €28,800.00 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.
6. The Respondent Tenant shall also pay any further rent outstanding from the 28th September 2021, being the date of the virtual hearing, to the Applicant, at the rate of €1200.00 per month or proportionate part thereof at the rate of €39.45 per day, unless lawfully varied, plus any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as the dwelling is vacated by her and by any other person/s residing therein.
7. The Applicant shall refund the security deposit of €1100.00 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

8. The Applicant's claim regarding breach of tenancy obligations by the Respondent Tenant, in failing to allow an inspection of the dwelling, in respect of the aforementioned tenancy is upheld.

9. The Applicant's claim regarding breach of tenancy obligations by the Respondent Tenant, in building a shed in the garden without permission and allowing rubbish to accumulate in the garden, in respect of the aforementioned tenancy is upheld.

This Order was made by the Residential Tenancies Board on 08 December 2021.

A handwritten signature in dark ink, appearing to read 'Geraldine Norton', written over a horizontal line.

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director