

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0718-45625**

In the matter of Thomas Kavanagh [Applicant Landlord] and Noel (Nollaig) Walsh, Adrian Walsh [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 28th May 2018, on behalf of the Applicant Landlord, on the Respondent Tenant, in respect of the tenancy of the dwelling at 9 St. Rioch Street, Co. Kilkenny, is valid.
2. The Respondent Tenants and any persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the issue of this Order.
3. The Respondent Tenants shall pay the sum of €3,108.46, in 20 consecutive monthly payments of €150.00, on the 28th day of each month, followed by one payment of €108.46 in the immediately succeeding month, commencing the next month after the issue of this Order, being rent arrears up to and including the 8th August 2018, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment shall 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 Landlord on each due date until the sum of €3,108.46 has been paid in full;
5. For the avoidance of doubt any default in the payment 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 Tenants shall pay any rent outstanding from the 8th August 2018, being the date of the Adjudication hearing, at the rate of €300 per month and/or €9.86 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month/day or part thereof, until such time as they vacate the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €300 to the Respondent Tenants, 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 21 February 2019.



---

Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director