

Residential Tenancies Board

Determination Order

Ref: DR0718-46385

In the matter of Mildred Advincula [Applicant Landlord] and Faith Adeshina Adewale [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 the 22nd May 2018, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 7 Swiftbrook Avenue, Tallaght, Dublin 24, D24A5RD is valid.
2. The Respondent Tenant and all persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €26,400.00 to the Applicant Landlord, in 26 consecutive monthly payments of €1,000.00, on the 28th day of each month, followed by one further payment of €400.00 on the 28th day of the immediately succeeding month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €26,400.00 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €26,400.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €26,400.00 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any monthly instalment 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 pay any further rent outstanding to the Applicant Landlord from the 17th September 2018, being the date of the Adjudication hearing, at the rate of €1,100.00 per month or proportionate part thereof at the rate of €36.16 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 above dwelling is vacated by the Respondent Tenant and all persons residing therein.
7. The security deposit of €1,100.00 was returned by the Applicant Landlord to the Respondent Tenant in June 2018 and no amount falls to be paid upon the Respondent Tenant vacating and giving up possession of the above dwelling.

This Order was made by the Residential Tenancies Board on 02 November 2018.

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