

Residential Tenancies Board

Determination Order

Ref: DR0719-55562

In the matter of Esmond Reilly, Kitty Reilly [Applicant Landlords] and Esmond J Reilly, Joanne Maguire [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 24th May 2019 as served by the Applicant Landlords upon the Respondent Tenants in respect of the tenancy of the dwelling at 10 The Nurseries, Forest Road, Swords, County Dublin, is valid.
2. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the above dwelling within 7 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €28,800 to the Applicant Landlords, by way of 28 consecutive monthly instalments at the rate of €1,000 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €800, to be paid on or before the 28th day of month 29, 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 €28,800 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenants to the Applicant Landlords, on each due date, until such time as the total sum of €28,800 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 Landlords.
6. The Respondent Tenants shall also pay any further rent outstanding from 7th August 2019, being the date of the Adjudication hearing, to the Applicant Landlords, at the rate of €1,200 per month or proportionate part thereof at the rate of €39.45 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as they vacate and give up possession of the above dwelling.

This Order was made by the Residential Tenancies Board on 30 September 2019.



Claire Diggin

Assistant Director

Duly authorised to sign on behalf of the Director