

Residential Tenancies Board

Determination Order

Ref: DR0719-55607

In the matter of Denis Doheny [Applicant Landlord] and Ann Kelleher, Gerard Kelleher [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 11th January 2019, by the Applicant Landlord, on the Respondent Tenants, in respect of the tenancy of the dwelling at 9 Springmount, Waterford Road, Co. Kilkenny, is valid.
2. The Respondent Tenants, and any other persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 21 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €20,000 to the Applicant Landlord, by way of 50 consecutive monthly payments at the rate of €400 per month, to be paid on or before the 28th day of each month, commencing in the month immediately following the month of issue of this Order. This sum of €20,000 being rent arrears accrued over the course of the tenancy, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €20,000 shall be deferred and the total sum owing shall be reduced by the cumulative sum paid in the monthly instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €20,000 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 Tenants shall also pay any further rent outstanding from the 31st July 2020, being the date of the decision, to the Applicant Landlord, at the rate of €750 per month or proportional part thereof at the rate of €24.66 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 the above dwelling.

This Order was made by the Residential Tenancies Board on 04 November 2020.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director