

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0720-63258**

In the matter of Mulcair Partnership [Applicant Landlord] and Dario Kladar [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 21st February 2020, by the Applicant Landlord, on the Respondent Tenant, in respect of the tenancy of the dwelling at 6 Creevan Cottages, Foynes, Co. Limerick, V94KD7A, is valid.
2. The Respondent Tenant 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 Tenant shall pay the total sum of €7,936.40 to the Applicant Landlord, in 15 consecutive monthly payments of €500 on the 28th day of each month, followed by one payment of €436.40 in the immediately succeeding month, commencing the next month after the issue of this Order, being rent arrears up to the 28th September 2020, the date of the paper based decision, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €7,936.40 shall be deferred and the total sum owing 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 €7,936.40 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 Tenant shall pay any rent outstanding from the 28th September 2020, at the rate of €800 per month and/or €26.30 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 he vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €800 to the Respondent Tenant, 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 13 January 2021.



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Emer Morrissey

Assistant Director

Duly authorised to sign on behalf of the Director