

Residential Tenancies Board

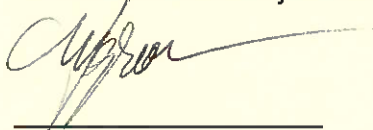
Determination Order

Ref: DR0722-78568

In the matter of IRES Properties REIT Plc [Applicant Landlord] and Owen Donegan, Tainna Bertine De Almedia Santanna [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 date-of-service of 8th July 2022 served by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at Apartment 8, Block 5, Tallaght Cross West, Belgard Square West, Dublin 24, D24HN83, 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 21 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €15,752.47 to the Applicant Landlord, by way of 7 consecutive monthly instalments at the rate of €2,000.00 per month, on or before the 28th day of each month, followed by 1 further instalment of €1,752.47, on or before the 28th day of the 8th month, commencing in the month immediately following the month of issue of this Determination Order. This sum of €15,752.47 being rent arrears in respect of the aforementioned tenancy.
4. The enforcement of this Determination Order for such payment of €15,752.47 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €15,752.47 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 the Applicant Landlord any further rent outstanding from 23rd November 2022, being the date of the (virtual) adjudication hearing, at the rate of €1,417.00 per month or proportionate part thereof at the rate of €46.59 per day, unless lawfully varied, plus any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as the above dwelling is vacated by the Respondent Tenants and any other person/s residing therein.
7. The Applicant Landlord shall refund the security deposit of €1,417.00 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up 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 11 January 2023.



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director