

Residential Tenancies Board

Determination Order

Ref: DR0722-78576

In the matter of Hilary Larkin (Receiver for Keith and Elizabeth Joy) [Applicant Landlord] and Paul Mulpeter [Respondent Tenant] 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 the 11th of June 2021, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at, Ballykean, Geashill, Co. Offaly, R35T027, is invalid.
2. The Notice of Termination with date of service of the 5th of August 2021, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the above dwelling, is valid.
3. The Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Determination Order.
4. The Respondent Tenant shall pay the sum of €16,284.11 to the Applicant Landlord, by way of 4 consecutive instalments at the rate of €4,071.03 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €16,284.11, in respect of the tenancy of the above dwelling.
5. The enforcement of this Determination Order for such payment of €16,284.11 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €16,284.11 has been paid in full.
6. 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.
7. The Respondent Tenant shall continue to pay any further rent outstanding to the Applicant Landlord from the 8th of December 2022, being the date of the Adjudication Hearing, at the rate of €700.00 per month, or proportionate part thereof at the rate of €23.01 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 any other persons residing therein.
8. The Applicant Landlord's application, regarding the Respondent Tenant's breach of obligations under the Act for antisocial behavior, is not upheld.

This Order was made by the Residential Tenancies Board on 15 February 2023.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director