

## **Residential Tenancies Board**

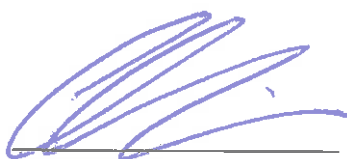
### **Determination Order**

**Ref: DR0818-47063**

In the matter of Luke Charleton and Colin Farquharson (Receivers over Certain Assets of Con Ryan) [Applicant Landlords] and Samuel Fernandes, Benhur Fernandes [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 24th January 2018 by the Applicant Landlords on the Respondent Tenants in respect of the tenancy of the dwelling at Apartment 5, 38 South Circular Road, Dublin 8, is valid.
2. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €20,000.00 to the Applicant Landlords, by way of 20 consecutive monthly instalments at the rate of €1,000.00 per month, payable on the 1st day of each month, with payment commencing on the 1st day of the month immediately following the month of issue of this Order. This sum represents rent arrears of €20,000.00, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €20,000.00 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 €20,000.00 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 Applicants.
6. The Respondent Tenants shall also pay any further rent outstanding from the 19th September 2018, being the date of the adjudication hearing, to the Applicants, at the rate of €520.00 per month or proportionate part thereof at the rate of €17.10 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 15 November 2018.

A handwritten signature in blue ink, consisting of several overlapping, sweeping strokes that form a stylized, abstract shape.

Claire Diggin

Higher Executive Officer

Duly authorised to sign on behalf of the Director