

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0818-47414**

In the matter of Liam Brett, Catherine Brett [Applicant Landlords] and Veliana Luwazi, Babatunde Ayoade [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 9th May 2018 by the Applicant Landlords on the Respondent Tenants in respect of the tenancy of the dwelling at 50 Elderwood Road, Palmerstown, Dublin 20 is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €3,382.47 to the Applicant Landlords, in 10 equal consecutive installments at the rate of €338.25 per calendar month, on the 28th day of each month, commencing the next month after the issue of this Order. This sum represents rent arrears of €3,182.47 together with damages of €200 for breach of obligations for failure to pay rent when it fell due, in respect of the tenancy of the above dwelling;
4. The Respondent Tenants shall also pay any further rent outstanding from 27<sup>th</sup> September 2018, at the rate of €1,100 per month or proportionate part thereof at the rate of €36.16 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 they vacate the above dwelling.
5. The enforcement of this Order for such payment of €3,382.47 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlords on each due date until such time as the total sum of €3,382.47 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 Landlords.
7. The Applicant Landlords shall refund the entire of the security deposit of €1,100 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 09 November 2018.



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Claire Diggin  
Higher Executive Officer  
Duly authorised to sign on behalf of the Director