

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0819-56213**

In the matter of Xerico Limited [Applicant Landlord] and Chloe Donnellan [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated the 24th day of June 2019 and served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 54 Country Meadows, Cloonthue Road, Tuam, Co. Galway is valid.
2. The Respondent Tenant and all 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 Order.
3. The Respondent Tenant shall pay the total sum of €2,859.18 to the Applicant Landlord, in 5 equal instalments at the rate of €500 per calendar month, on the 1st of each month, followed by one further instalment of €359.18 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €2,759.18 together with the sum of €100 awarded in respect of damages as a result of the Respondent Tenant's failure to comply with her legal obligations to discharge rent in accordance with Section 16 of the Act and in failing to vacate the rented property after the service of a valid Notice of Termination.
4. The Respondent Tenant shall also pay any further rent outstanding from the 31st day of August 2019, at the rate of €900 per month or proportional part thereof at the rate of €29.59 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 Respondent Tenant vacates the above dwelling.
5. The enforcement of this Order for such payment of €2,859.18 will 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 €2,859.18 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 Applicant Landlord shall refund the entire of the security deposit of €900 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up 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 10 October 2019.



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Ciaran Delaney

Higher Executive Officer

Duly authorised to sign on behalf of the Director