

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0819-56752**

In the matter of Michael Keenan [Applicant Landlord] and Barbara Ostrowska and Jan Zajac [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 by the Applicant Landlord on 26th day of June 2019 on the Respondent Tenants in respect of the tenancy of the dwelling at 115 Costa na Mara, Oranmore, Co. Galway, H91H2N2 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 21 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €18,207.85 to the Applicant Landlord, in 17 equal instalments at the rate of €1,000 per calendar month, on the 1st of each month, followed by one further instalment of €1,207.85 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €17,907.85 together with the sum of €300 awarded in respect of damages as a result of the Tenants' failure to comply with their 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 enforcement of this Order for such payment of €18,207.85 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 Landlord on each due date until such time as the total sum of €18,207.85 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 any further rent outstanding from the 1st day of October 2019, at the rate of €165 per week or proportional part thereof at the rate of €23.57 per day and any other charges as set out in the terms of the tenancy agreement for each week or part thereof, until such time as the Respondent Tenants vacate the above dwelling.

This Order was made by the Residential Tenancies Board on 22 November 2019.



Grace McCormack Macken

Higher Executive Officer

Duly authorised to sign on behalf of the Director