

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0820-64260**

In the matter of John Conroy [Applicant Tenant] and Lee Ryan [Respondent Landlord] 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 23 July 2019 served by the Respondent Landlord on the Applicant Tenant, in respect of the tenancy of the dwelling at 44 Grove Park, Mountmellick, Laois, R32 RD28, is valid.
2. The Applicant Tenant shall pay the total sum of €12,302.66 to the Respondent Landlord, by way of 25 consecutive instalments at the rate of €500.00 per calendar month, on or before the 14th day of each month, followed by one further instalment of €252.66 in the immediately succeeding month commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €12,752.66 plus the sum of €500.00 damages for the failure to pay rent on the due date plus the sum of €500.00 damages for failing to vacate the dwelling on foot of a valid Notice of Termination, having deducted the sum of €1,000.00 for the consequences of unlawfully terminating the Applicant Tenant's tenancy and having deducted the justifiably retained security deposit of €450.00, in respect of the tenancy of the above dwelling.
3. The enforcement of this Determination Order for such payment of €12,302.66 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Applicant Tenant to the Respondent Landlord, on each due date, until such time as the total sum of €12,302.66 has been paid in full.
4. 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 Respondent Landlord.
5. The Applicant Tenant's application that the rent was more than market rent is not upheld, in respect of the tenancy of the above dwelling.

This Order was made by the Residential Tenancies Board on 28 January 2021.



Emer Morrissey  
Assistant Director

Duly authorised to sign on behalf of the Director