

## Residential Tenancies Board


### Determination Order

**Ref: DR0821-71941**

In the matter of Derg Homes Ltd [Applicant Landlord] and Niamh Martyn [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 13th August 2021, and served by the Applicant Landlord upon the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 8 Lios Na Si, Bridge Road, Portumna, Co. Galway, H53E160 for rent arrears is valid.
2. The Respondent Tenant, and all other persons residing in the above dwelling, shall vacate and give up possession of that dwelling within 14 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €3,420.88 to the Applicant Landlord, in 17 equal consecutive monthly instalments at the rate of €200.00 per month, followed by one further instalment of €20.88 in the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Determination Order for such payment of €3,420.88 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 €3,420.88 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 Tenant shall also pay any further rent outstanding from 8th November 2021, being the date of the Adjudication Hearing, at the rate of €650.00 per month or proportionate part thereof at the rate of €21.36 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Respondent Tenant and any other persons.

This Order was made by the Residential Tenancies Board on 23 February 2022.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director