

## Residential Tenancies Board


### Determination Order

Ref: DR0822-79163

In the matter of Joe Walsh [Applicant Landlord] and Aishling Murphy, Pearse McCarthy [Respondent Tenants] 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 24th June 2022 served by the Applicant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 11 Red Abbey Court, Margaret Street, Co. Cork, T12PHX5, is valid.
2. The Respondent Tenants, and all other persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 90 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €7,091.42 to the Applicant Landlord, by way of 14 consecutive monthly instalments at the rate of €500.00 per month, to be paid on or before the 28th day of each month, followed by 1 further instalment of €91.42, to be paid on or before the 28th day of the 15th month, commencing in the month immediately following the month of issue of this Determination Order. This sum of €7,091.42 being rent arrears in respect of the aforementioned tenancy.
4. The enforcement of this Determination Order for such payment of €7,091.42 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €7,091.42 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 11 January 2023, being the date of the (virtual) adjudication hearing, to the Applicant Landlord, at the rate of €1,765.33 per month or proportionate part thereof at the rate of €58.04 per day, unless lawfully varied, plus any other charges 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 Tenants and any other persons residing therein
7. The Applicant Landlord shall refund the security deposit of €1,600.00 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 15 February 2023.



Ciara Cronin  
Higher Executive Officer  
Duly authorised to sign on behalf of the Director