

Residential Tenancies Board

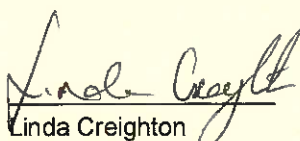
Determination Order

Ref: DR0822-79274

In the matter of Amanda Monahan [Applicant Landlord] and Sarah Cloherty [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 date-of-service of 26th September 2022, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 13 Ballincur Park, Kinnitty, Birr, Co. Offally, R42WC80, is valid.
2. The Respondent Tenant, and any other person/s 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 Determination Order.
3. The Respondent Tenant shall pay the total sum of €4,832.78, to the Applicant Landlord, by way of 48 consecutive monthly instalments at the rate of €100.00 per month, to be paid on or before the 28th day of each month, followed by 1 further instalment of €32.78, to be paid on or before the 28th day of the 49th month, commencing in the month immediately following the month of issue of this Determination Order. This sum of €4,832.78 being rent arrears in respect of the aforementioned tenancy.
4. The enforcement of this Determination Order for such payment of €4,832.78 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €4,832.78 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 16th December 2022, being the date of the (virtual) adjudication hearing, to the Applicant Landlord, at the rate of €207.70 week or proportionate part thereof at the rate of €29.67 per day, unless lawfully varied, plus any other charges provided for under the terms of the tenancy agreement, for each week or part thereof, until such time as the above dwelling is vacated by the Respondent Tenant and any other person/s currently residing therein.
7. The Applicant Landlord's claim that the Respondent Tenant breached her tenancy obligations in failing to allow access to the dwelling is upheld.

This Order was made by the Residential Tenancies Board on 08 February 2023.



Linda Creighton
Higher Executive Officer

Duly authorised to sign on behalf of the Director