

Residential Tenancies Board

Determination Order

Ref: DR0918-48868

In the matter of Declan Foley [Applicant Landlord] and Marcing Gwadera, Renata Misiak [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination in respect of overholding, as served on the 27th September 2018 by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 7 Somerville Court, Somerville Avenue, Crumlin, Dublin 12, is valid.
2. The Notice of Termination in respect of breach of tenant obligations, as served on the 27th September 2018 by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the above dwelling is also valid.
3. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Order.
4. The Respondent Tenants shall pay the total sum of €2,193.28 to the Applicant Landlord, by way of 5 consecutive monthly instalments at the rate of €400 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €193.28, to be paid on or before the 28th day of the 6th month, payment commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €2,193.28 in respect of the tenancy of the above dwelling.
5. The enforcement of this Order for such payment of €2,193.28 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €2,193.28 has been paid in full.
6. 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.
7. The Respondent Tenants shall also pay any further rent outstanding from the 19th November 2018, being the date of the hearing, to the Applicant Landlord, at the rate of €1,350 per month or proportionate part thereof at the rate of €44.38 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as they vacate the above dwelling.

8. The Applicant Landlord shall promptly refund the entire of the security deposit of €1,350 to the Respondent Tenants, upon the Respondent Tenants vacating and giving up possession of the dwelling, less any amounts properly retained in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on 14 February 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director