

Residential Tenancies Board

Determination Order

Ref: DR0919-57095

In the matter of Tom O'Brien [Applicant] (In his capacity as Receiver over certain assets of Presmat Limited, Landlord) and Niall Murphy [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 15th July 2019 by the Applicant Receiver on the Respondent Tenant in respect of the tenancy of the dwelling at 5 Oak Hall, Ardee Road, Carlanstown, Kells, Co. Meath, is valid.
2. The Respondent Tenant and any other person/s residing in the above dwelling shall vacate and give up possession of the dwelling, to the Applicant Receiver or his agents, within 28 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €2,930.82 to the Applicant Receiver, by way of 5 consecutive monthly instalments at the rate of €500 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €430.82, to be paid on or before the 28th day of the 6th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €2,930.82, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €2,930.82 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Applicant Receiver, on each due date, until such time as the total sum of €2,930.82 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 Receiver.
6. The Respondent Tenant shall also pay any further rent outstanding from 5th November 2019, being the date of the hearing, to the Applicant Receiver, at the rate of €550 per month or proportionate part thereof at the rate of €18.02 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 he vacates the above dwelling.
7. The Applicant Receiver shall refund the entire of the security deposit of €500 to the Respondent Tenant, upon the Respondent Tenant 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 16 January 2020.



Emer Morrissey

Assistant Director

Duly authorised to sign on behalf of the Director